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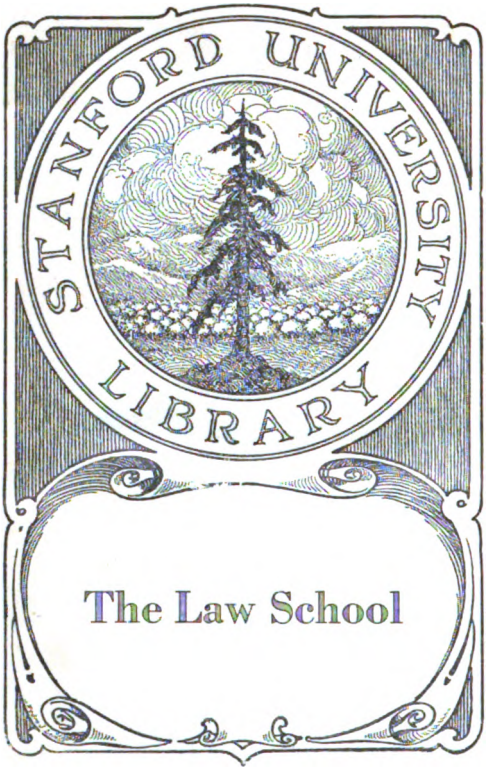
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ACTS

OF THE

STATE OF TENNESSEE,

PASSED AT THE FIRST SESSION OF THE

THIRTY-FIFTH GENERAL ASSEMBLY,

FOR THE YEARS

1867–68.

PUBLISHED BY AUTHORITY.

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PUBLIC ACTS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE,

Passed at the First Session of the Thirty-fifth General Assembly, which was begun and held at Nashville, on Monday, the Seventh day of October, in the year One Thousand Eight Hundred and Sixty-seven.

CHAPTER I.

AN ACT to Change the 13th, 14th and 16th Judicial Circuits.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Weakley be, and is hereby attached to the 16th Judicial Circuit; that the county of Lauderdale be, and is hereby attached to the 14th Circuit; and that the county of Henderson be, and is hereby attached to the 13th Judicial Circuit. Weakley and Lauderdale Counties.

SEC. 2. *Be it further enacted*, That the Courts be, holden as now prescribed by law; and that this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed October 17, 1867.

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CHAPTER II.

AN ACT to Change the time of holding the Circuit Court for the County of Tipton.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Circuit Court for the County of Tipton shall be held on the last Mondays of April and August, and on the first Mondays of January.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed October 23, 1867.

CHAPTER III.

AN ACT to Amend An Act creating a Municipal Court of Memphis.

Five thousand dollars.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section thirty-three of An Act passed March the 9th, 1867, creating the Municipal Court of Memphis be, and the same is hereby so amended as to read *five thousand* in place of "three hundred dollars."

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed October 30, 1867.

CHAPTER IV.

AN ACT to Change the time of holding the Circuit Courts in Fayette and Shelby Counties.

Fayette.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Circuit Court of Fayette county, at Somerville, shall hereafter be held on the second Mondays of March, July and November.

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SEC. 2. *Be it further enacted*, That hereafter the Circuit Court of Shelby county shall be holden on the fourth Mondays of January, May and September. Shelby.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed October 31, 1867.

CHAPTER V.

AN ACT to Change the place of Comparing the vote in the Fourth Senatorial District of the State; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the place heretofore designated to compare the vote in the Fourth Senatorial District of the State of Tennessee, composed of the counties of Grainger, Claiborne, Campbell, Anderson and Union, be changed from Sharp's Mill to Maynardsville, Union county; the vote to be compared on the first Monday after each Senatorial election, in said Senatorial District, or as soon thereafter as practicable. Maynardsville.

SEC. 2. *Be it further enacted*, That all laws in conflict with this Act, be, and the same is hereby, repealed. Repealed.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

SEC. 4. *Be it further enacted*, That the place for comparing the polls for the Fourteenth Senatorial District, shall be at McMinnville, in the county of Warren; and that the polls of the Floatorial District for Representative for the counties of Van Buren, Grundy and Coffee, shall also be compared at McMinnville, in the county of Warren. 14th Senatorial District.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed November 6, 1867.

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CHAPTER VI.

AN ACT to Repeal the Joint Resolution offering a Reward for Isham G. Harris.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the Joint Resolution adopted on the first day of May, 1865, as offers a reward of five thousand dollars for the apprehension and delivery of Isham G. Harris to the civil authorities of this State, be, and the same is hereby, repealed, from and after the passage of this Act; and that the Governor is hereby instructed to revoke his Proclamation offering a reward for the apprehension of said Isham G. Harris, the traitor.

Proclamation revoked.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 11, 1867.

CHAPTER VII.

AN ACT to Provide for the comparing of the vote of Humphreys and Benton Counties; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the votes polled in Humphreys and Benton counties, for Representative in the lower branch of the General Assembly of said State, hereafter shall be compared at Johnsonville, Tennessee, on Monday next following after said election; and that all laws in conflict with this Act, are hereby repealed; and this Act shall take effect from and after its passage.

Johnsonville.

SEC, 2. *Be it further enacted*, That it shall be the duty of the Sheriffs of the counties of Fentress, Scott, Morgan and Cumberland, to meet at Jamestown, in the county of Fentress, on the first Monday after the general biennial elections in August, for the purpose of comparing the vote cast for two joint Representatives to the lower branch of the General Assembly of the State of Tennessee; *Provided*, That all laws coming in conflict with the provisions of this Act, be, and the same are hereby, repealed.

Jamestown.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 12, 1867.

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CHAPTER VIII.

AN ACT to Change the time of holding Courts in the 12th Judicial Circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Circuit Courts for the 12th Judicial Circuit be held hereafter, as follows: At Savannah, Hardin county, on the first Mondays in March, July and November; Waynesborough, Wayne county, on the second Mondays in March, July and November; Linden, Perry county, on the third Mondays in March, July and November; Decaturville, Decatur county, on the fourth Mondays in March, July and November; Purdy, McNairy county, on the first Mondays in April, August and December. Times and places.

SEC. 2. *Be it further enacted*, That the Circuit Courts for the county of Henry, shall hereafter be holden on the fourth Mondays in January, May and September; and that the Circuit Courts for the county of Henderson shall hereafter be holden on the third Mondays in February, June and October. Henry and Henderson Counties.

SEC. 3. *Be it further enacted*, That this Act shall take effect and be in force from and after the 10th of February next, 1868.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C, SENTER,
Speaker of the Senate.

Passed November 18, 1867.

CHAPTER IX.

AN ACT for the Benefit of the Penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller issue his Warrant on the Treasurer, to the Directors of the Penitentiary for the sum of thirty-six thousand dollars, to pay off all outstanding liabilities for improvements occasioned by the destruction by fire, and expenses incidental thereto. Comptroller.

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SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 19, 1867.

CHAPTER X.

AN ACT Explanatory of "An Act to amend the Revenue Laws," passed March 24th, 1865—Chapter 8.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1 of chapter 8, of An Act to amend the Revenue Laws of the State, passed the 24th of May, 1865, assessing an annual tax on granting policies of insurance of $1,250, was intended and shall be construed as including Life Insurance Companies.

Life Insurance Companies.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 19, 1867.

CHAPTER XI.

AN ACT to Increase the Fees of Witnesses, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every witness attending before a Justice of the Peace when summoned to attend in another county from that of his own, shall be entitled to five cents per mile for every mile in going to and returning from said county, and all necessary tolls and ferriage.

Justices' Cour.

SEC. 2. *Be it further enacted*, That all witnesses attending, under summons, any Court of Record in any county in this State, other than the county in which said witness or witnesses live, shall be entitled to the sum of one dollar and a-half per day for such attendance, and

Courts of Record.

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five cents per mile for every mile traveled in going to and returning from such Court, and all necessary tolls and ferriage.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 27, 1867.

CHAPTER XII.

AN ACT to Change the County line between the Counties of DeKalb and White.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of DeKalb and White, be so changed as to include in the county of White the lands of Lafayette Jones and Andrew J. Jones. DeKalb and White Counties.

SEC. 2. *Be it further enacted*, That the county line between Cannon and DeKalb, be so changed as to include the lands of James Shehane, George W. Derlong, John Derling, James Anderson and Hiram Morris, in the county of Cannon. Cannon and DeKalb.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 2, 1867.

CHAPTER XIII.

AN ACT to Change County Lines.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Lawrence and Wayne, be so changed as to, include the lands on which Jno. D. Wade, G. R. Reynolds, Lawrence and Wayne.

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Jesse Bradley, Henry Mourton, James Wade, R. Hamm, Isaac Mourton, John W. Mourton, Alex. G. Mourton, W. B. Richardson, William Johnson, Matthew Johnson, Robert Johnson, W. B. Smith, Edmund Smith, W. C. McDougal and James Liles, now reside, in Lawrence county; and that this Act take effect from and after its passage.

Hawkins and Grainger.

SEC. 2. *Be it further enacted*, That the county line between Hawkins and Grainger counties be so changed as to include John Coldwell's farm in Hawkins county.

Overton and Fentress.

SEC. 3. *Be it further enacted*, That the county line between the counties of Overton and Fentress be so changed as to include the land of Elizabeth Flowers in the county of Overton; *Provided*, That all laws coming in conflict with this Act, be, and the same are hereby, repealed. This Act to take effect from and after its passage.

Wayne and Hardin.

SEC. 4. *Be it further enacted*, That the county line between the counties of Wayne and Hardin, be so changed as to include the lands of W. H. Brown in the county of Hardin.

Weakley and Obion.

SEC. 5. *Be it further enacted*, That the county line between the counties of Weakley and the county of Obion, be so changed so as to begin on the county line where it crosses the North Fork of the Obion river, running up said river, with its meanderings, to Davis's Mills; thence North with the road leading from the Mill with Civil District line to the State line; West, with the State line to the Obion county line; thence South to the beginning; and that this Act take effect from and after its passage.

Rutherford and Williamson.

Boundary.

SEC. 6. *Be it further enacted*, That the county lines between the counties of Rutherford and Williamson, be so changed as to run as follows: beginning at the South-East corner of Williamson county and the North boundary line of Bedford county, running Westwardly with the Bedford and Marshall county line to the Fayetteville and Farmington Turnpike; thence North with the said Turnpike road to the line between Mrs. Crump's and T. F. P. Allison's land East of the pike; thence East with line between Allison's and Bellafant and J. Jordan's, Sr., and Joshua Johnson's heirs, to J. Jordan's North-East corner; thence North to Harpeth river; thence down the same to where the big road that runs from College Grove to Williamson Jordan's old homestead crosses the same; thence East with said road to the Eaglesville, Unionville and Salem Turnpike; thence North with the same to the culvert, near the toll-house; thence East with the big road *via* John Haley's; and thence Eastwardly to the Rutherford county line; and thence, as at present, with said line between Rutherford and Williamson counties,

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SEC. 7. *Be it further enacted*, That the line between the counties of Bedford and Rutherford, be changed so as to include the farms of William Williams and C. H. Lamb, in the county of Rutherford; and that this Act take effect from and after its passage. Bedford and Rutherford.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 3, 1867.

CHAPTER XIV.

AN ACT to Amend an Act passed November 21st., 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed November 21, 1866, and entitled "An Act to compensate Justices of the Peace and Jurors," be so amended as to read:—that all Justices of the Peace of this State, attending Quarterly Courts of their respective counties, shall be entitled to and receive two dollars per diem, for their attendance; and all Jurors attending any of the Courts of this State, shall be entitled to and receive two dollars per diem for their attendance. All mileage as heretofore. Justices' compensation.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 4, 1867.

CHAPTER XV.

AN ACT to Encourage Immigration to Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be a Board of Immigration created, consisting of five members, three of whom shall be appointed by the Governor. Board of Immigration.

SEC. 2. *Be it further enacted*, That the Governor and

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Secretary of State.

the Secretary of State shall be *ex-officio* members of this Board; and it shall be its duty to do all and everything which may and will advance and encourage immigration to this State, either from other States or from Europe.

Publications.

SEC. 3. *Be it further enacted*, That the Board shall cause to be published, from time to time, in such manner as it may deem proper and advisable, pamphlets, essays, newspaper articles and advertisements, descriptive of the developed and undeveloped resources of the State, agricultural and mineral; and setting forth such other facts and information as shall have a tendency to attract attention and encourage immigration to the State. It shall also have power to appoint an Agent or Agents for the Northern or Eastern States of the United States, or for Europe, for the purpose of advancing immigration; such Agent or Agents, to act under the instructions of said Board of Immigration; and shall receive such compensation for their services as said Board shall allow, to be paid out of any funds that may hereafter be created; and the said Board may do any act, and employ or draft any agencies or appliances, calculated or necessary to effect the purpose designed by this Act.

Agents.

Meetings.

SEC. 4. *Be it further enacted*, That meetings of the Board shall be held on the first Mondays in November, February, May and August, at the Capitol, in Nashville, and at such other times and places as the majority of the Board may direct.

Secretary and Treasurer.

SEC. 5. *Be it further enacted*, That the Board, at its first regular meeting, shall elect a Secretary and a Treasurer—said officers to be elected from the members composing the Board.

Contributions

SEC. 6. *Be it further enacted*, That the Board of Immigration is further authorized, and shall have power, to open books and invite and solicit contributions and endowments of money, from corporations, manufacturers and any other persons; which money, when contributed, shall be under the control of and be expended by the Board for the interests and purposes in the preceding sections stated.

Reports to General Assembly.

SEC. 7. *Be it further enacted*, That it shall be the duty of said Board to cooperate with the Bureau of Immigration, at Washington City, and to make regular reports of its labors and proceedings to the General Assembly of the State, accompanied by such references, suggestions and statistics as may furnish good and reliable data and proper basis for future legislation on the subject of Immigration.

SEC. 8. *Be it further enacted*, That the sum of one

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thousand dollars, annually, is hereby appropriated, out of any moneys in the Treasury of the State, not otherwise appropriated, for the use of the Board of Immigration —to be expended by said Board in such manner as they shall deem expedient and best to promote the objects contemplated in this Act. Appropriation.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 4, 1867.

CHAPTER XVI.

AN ACT to Change the time of holding the Circuit Court in Stewart County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the November Term of the Circuit Court for the county of Stewart, at Dover, shall be held as provided in the Code, on the second Monday in November, instead of the first Monday in November, as provided in the Acts of 1859–60. Time.

SEC. 2. *Be it further enacted*, That a Special Term of the Circuit Court of said county of Stewart, shall be held at Dover, commencing on the second Monday in December, 1867; and that all Sheriffs and Officers, Attorneys, Suitors, Witnesses and other persons bound to appear at the Regular Term of said Court on the first Monday in November, 1867, shall appear at the said Special Term; and in case of default be subject to the same forfeitures and other consequences as they would have been at the said Regular Term. Special Term.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 5, 1867.

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CHAPTER XVII.

AN ACT to Amend the Internal Improvement Laws of the State, passed February 11th, 1852.

Preamble.

Whereas, The Nashville & North-Western Railroad has been but recently completed through to the Mississippi river; and *whereas*, it was impossible for said road to make any profit during its course of completion; and *whereas*, the interest upon the State bonds has not been paid by said road in consequence of its unfinished condition; and *whereas*, it is impossible to run said road with success without a large increase of rolling stock; therefore,

Bonds to N. & N.-W. R. R.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor of the State be authorized and directed to issue the bonds of the State, bearing six per cent. interest, with coupons attached, similar in every respect to the bonds issued under the Act this is intended to amend, to the Nashville & North-Western Railroad Company, three hundred and fifty thousand ($350,000) dollars.

How to be used.

SEC. 2. *Be it further enacted*, That the bonds of the State to be loaned by this Act shall be exclusively applied to the purchase of engines, rolling stock, etc., for said road, and for the building of depot houses, workshops, and for iron for side tracks and spikes and necessary equipments.

Knoxville & Ky. R. R.

SEC. 3. *Be it further enacted*, That the sum of eight hundred thousand ($800,000) dollars be, and the same is hereby, appropriated to the Knoxville & Kentucky Railroad Company; to the Cincinnati, Cumberland Gap & Charleston Railroad Company, two hundred thousand ($200,000) dollars: *Provided*, the Directors of said road shall consist of nine, and the State be represented in said company in proportion to the aid granted by the State, with the exception that the Directors on the part of the stockholders shall not be reduced below three; and the Directors on the part of the State shall have all the rights, privileges and powers granted by the charter of said road to the Directors elected by the stockholders: *Provided further*, that the above shall be accepted by the company as an amendment to the charter of said road before said bonds shall be issued by the State. To the Winchester & Alabama Railroad Company, three hundred thousand ($300,000) dollars; to the Nashville & Decatur Railroad Company, three hundred and fifty thousand ($350,000) dollars.

W. & A., and N. & D. R. Rds.

SEC. 4. *Be it further enacted*, That the sum of three

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hundred thousand ($300,000) dollars, be, and is hereby, appropriated to the South-Western Railroad Company. S.-W. R. R.

SEC. 5. *Be it further enacted*, That the sum of three hundred thousand ($300,000) dollars, be loaned to the Memphis & Charleston Railroad Company. M. & C. R. R.

SEC. 6. *Be it further enacted*, That the sum of two hundred thousand ($200,000) dollars, be loaned to the Mississippi Central Railroad Company. Miss. Central R. R.

SEC. 7. *Be it further enacted*, That the sum of one hundred thousand ($100,000) dollars, be loaned to the Mississippi & Tennessee Railroad Company. Miss. & Tenn. R. R.

SEC. 8. *Be it further enacted*, That the sum of one hundred and fifty thousand ($150,000) dollars, be, and is hereby, appropriated to the Knoxville & Charleston Railroad Company. K. & C. R. R.

SEC. 9. *Be it further enacted*, That the additional sum of five thousand ($5,000) dollars per mile, be, and the same is hereby, appropriated to the Tennessee & Pacific Railroad Company, subjecting the Company to the liabilities and restrictions imposed by the Internal Improvement Act of February, 1852. Tenn. & Pacific R. R.

SEC. 10. *Be it further enacted*, That the sum of one hundred thousand ($100,000) dollars in State bonds, be, and the same is hereby, appropriated to the East Tennessee & Western North Carolina Railroad Company, for bridge building, exclusively. E. T. & W. N. C. R. R.

SEC. 11. *Be it further enacted*, That the Governor issue the bonds of the State to the extension of the Nashville & North-Western Railroad from Huntingdon to Jackson, to the amount of two hundred thousand ($200,000) dollars. N. & N.-W. R. R.

SEC. 12. *Be it further enacted*, That the Governor is authorized and directed to issue to the Edgefield & Kentucky Railroad Company three hundred thousand ($300,000) dollars in the bonds of the State, bearing six per cent. interest—the same as issued to the other railroads—to be used and applied to the erection of a depot in Nashville; to the purchase of machinery, rolling stock and repairs, and for the construction of the extension of said road to the coal mines, under the charter of the Evansville, Henderson & Nashville Railroad; *Provided*, the said Evansville, Henderson & Nashville Railroad Company shall execute their bond and obligation to the State of Tennessee, binding said Company to pay the principal and interest of the amount of bonds used in the construction of said Evansville, Henderson & Nashville Railroad, and issue to the State, and deposit with the Governor, the stock of said company to the amount of the bonds so used in constructing of said road; Edgefield & Ky. R. R. How to be used. Proviso.

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and on the execution of said bond and obligation, and said stock, the Governor shall issue and deliver the bonds to the Receiver, or such person as the Governor may appoint, on his executing bond, with security, to be approved by the Governor, conditioned for the faithful and honest application, and accounting for said bond.

To execute bond.

SEC. 13. *Be it further enacted*, That the further sum of fifty thousand ($50,000) dollars, be, and is hereby, appropriated to the East Tennessee & Virginia Railroad Company to re-build depots at Russellville and Morristown, and for other purposes.

E. T. & Va. R. R.

SEC. 14. *Be it further enacted*, That when any Railroad Company shall accept the benefits of this loan they shall accept the State Directors also; and said Directors shall be entitled to all the rights and privileges of other Directors on said roads.

State Directors.

SEC. 15. *Provided*, That if the several Railroad Companies, or either of them, to whom the bonds of the State have been loaned by this Act or former Acts, shall fail for two consecutive years to pay the interest that may accrue upon the bonds loaned to them severally, then, and in that case, the Governor, Secretary of State and Comptroller, may, at their discretion, sell said Railroad track, railing, rolling stock, &c., upon such terms and conditions as they may deem best to secure the interest of the State; and shall retain of the proceeds of said sale the amounts loaned to said companies and the interest due on the same, with expenses of said sale.

Failure to pay interest.

Governor may sell road.

SEC. 16. *Be it further enacted*, That these loans shall be made in a like manner and under the same conditions imposed by the Internal Improvement Laws of the State.

SEC. 17. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed December 7, 1867.

CHAPTER XVIII.

AN ACT Amending An Act passed January 17th, 1838, declaring the Tellico river navigable, and An Act passed January 17th, 1848, incorporating the Tellico Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed January 17th,

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1838, declaring the Tellico river navigable, together with An Act passed January 17th, 1848, incorporating the "Tellico Manufacturing Company," be so amended as to allow the dam erected by Gregory Hawkins, on said river, to be kept up, on condition that the said dam be provided with a boat-shute, twenty feet wide and two hundred feet long, and constructed in such a manner as not to impede the navigation of said river. Tellico Manufacturing Company.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 12, 1867.

CHAPTER XIX.

AN ACT to Establish a Board of County Commissioners for the County of Sumner, and for other counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be established in the County of Sumner, in this State, a Board of County Commissioners, to consist of three persons, who, previous to their appointment or election, shall have been citizens of said county not less than two years, each to serve for the period of three years, and until his successor is elected and qualified, except only in case of appointment, as herein and after provided; one of whom shall be elected by the qualified voters of said county on the first Saturday of March of each year; the first election to take place in the year A. D., one thousand eight hundred and seventy, and annually thereafter; and until which election shall take place, the said Commissioners shall be appointed by the Governor of this State, who shall designate in the Commissions to be issued to each member of said Board the period at which their times of service shall successively expire—the first to hold from his date of appointment until the election on the first Saturday of March, in the year A. D., one thousand eight hundred and seventy; the second, until the election on the first Saturday of March, in the year A. D., one thousand eight hundred and seventy-one; and the third, until the election on the first Saturday in March, in the year A. D., one thousand eight hundred and sev- Elections. Term of office.

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enty-two—the last named to be commissioned as President of said Board, and to hold his office as such, until the term of his office as Commissioner, shall expire; after which each member of said Board shall be the President thereof, from the commencement until the close of the last year of his term of service.

President.

Vacancies.

SEC. 2. *Be it further enacted*, That whenever it shall become necessary to fill a vacancy occasioned by the death, resignation or removal of any one of said Commissioners, the same shall be filled by appointment of the Board of said Commissioners, but such Commissioner, so appointed, shall hold his office only until the next annual election by the qualified voters; and the person elected thereat to fill such vacancy, shall serve until the term of the member whose death, resignation or removal, caused such vacancy, shall expire; *Provided*, That in all cases, the member who shall have actually served, or have been elected for the longest period, as a member of said Board, shall be the President thereof.

Proviso.

To give Bond.

SEC. 3. *Be it further enacted*, That before any Commissioner, elected or appointed under this Act, shall enter upon the duties of his office, he shall give bond, with good and approved sureties, in the sum of two thousand five hundred dollars, to be approved by any Judge of a Court of Record, in said county, conditioned for the faithful performance of his duties as such Commissioner, and shall likewise take and subscribe an oath of office, such as is now required by law for other county officers, before any Justice, Judge or Clerk, now authorized to administer oaths, and the same shall be indorsed on said bond; which bond, and approval of the same by the Court, together with the oath, shall be filed and entered upon the records of said Board of Commissioners; and in case any person elected or appointed as such Commissioner, fail to give bond as aforesaid, before or at the next regular meeting of the said Board, his office shall be declared vacant and his successor be appointed by the remainder of the Board.

Failure.

Meetings.

SEC. 4. *Be it further enacted*, That the Board of County Commissioners shall hold four sessions annually, at the town of Gallatin, at the times now provided by law for the holding of the Regular Terms of the Quarterly Court of said county. The Clerk of the County Court of said county shall be the Clerk of said Board of Commissioners, and shall discharge all the duties in reference thereto, which he is now required to perform as Clerk of the said Quarterly Court.

Clerk.

SEC. 5. *Be it further enacted*, That all the powers and duties which are now vested in and performed by the

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Quarterly Court of said county, shall be vested in the said Board of Commissioners. And in addition to the powers now conferred by law, the said Board shall have authority to insure the public buildings, and other property of the county; to order and contract for surveys and maps of the county; to provide for payment of expenses, and furnishing Court-rooms; to establish grades; to purchase record books, and all necessary stationery, for their own use, as a Board, and for the Clerks' offices, and other Courts in the county; to provide for the compensation and expenses of Jurors as fixed by law; to appoint an Attorney for the county, whose duty it shall be to prosecute and defend all suits in behalf of the county; advise said Commissioners upon legal questions; to inspect and examine all bonds of other officers of the county; prepare forms for blanks to be used by said Commissioners; attend generally to the interests of the county, and all other matters properly within the sphere of his duties, which may be required of him by said Board; to appropriate money for their own and the salaries of other officers of the county; to subscribe stock in railroads which the County Court of Sumner County has been authorized, by general or special law, to subscribe, and under the same conditions and restrictions; and to represent such stock in all elections for Directors, and provide for the payment of subscriptions as made; and to make all necessary appropriations to carry out the above powers. No money shall be drawn from the Treasury, except upon a Warrant, signed by the President of said Board of Commissioners, and countersigned by the County Clerk. And the said Commissioners are hereby vested with all powers, which, by the Code of Tennessee, have heretofore been vested in the County Court in the following sections of the Code of this State, viz: 4206, 4207, 4211, 4212, 4213, 4214, and 4215.

Powers and duties.

Same.

SEC. 6. *Be it further enacted*, That the Magistrates of the said County of Summer, shall be, and are hereby, relieved from all further duties and obligations incident to their office, as members of the Quarterly Court of said county.

Magistrates.

SEC. 7. *Be it further enacted*, That no Commissioner of said Board, shall, directly or indirectly, be concerned in any contract for work to be done, or materials to be furnished for the county; and any such violation shall, in addition to the penalties provided by law, subject the offender to removal from office.

Contracts for work.

SEC. 8. *Be it further enacted*, That the said Commissioners, or either of them, are hereby authorized and em-

Oaths.

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powered to administer all oaths of affirmation necessary in discharging the duties of their respective offices.

Appeals.

SEC. 9. *Be it further enacted*, That any person, a party to any matter determined by said Commissioners, may appeal from said decision to the Circuit Court of said county, within ten days thereafter, notifying the Commissioners, or their Attorney, at least ten days before the trial, or Term, at which such case shall be tried; which notice shall be in writing, and a copy thereof filed with the Attorney or President of the Board.

Compensation.

SEC. 10. *Be it further enacted*, That the compensation of the President of said Board shall be five hundred dollars per annum; and, of the other Commissioners, each, three hundred dollars per annum, payable quarterly, out of the County Treasury.

Warren County.

SEC. 11. *Be it further enacted*, That the provisions of the foregoing Act, for the benefit of Sumner County, be, and the same are hereby, extended to the County of Warren.

Van Buren County.

SEC. 12. *Be it further enacted*, That the County of Van Buren may, on the first Saturday in March next, elect a County Judge for said county, whose duty it shall be to hold the Quorum Courts for said county; make all the settlements required to be made with county officers and others, as now required by law. For which said Judge shall be paid the sum of one hundred dollars per annum, by said County of Van Buren, in full of services; and said Judge shall hold his office for the term of four years.

Repeals, etc.

SEC. 13. *Be it further enacted*, That all Acts, and parts of Acts, conflicting with the provisions of this Act, be, and the same are hereby repealed; and that this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 3, 1867.

CHAPTER XX.

AN ACT to Repeal An Act Changing the County lines of Bedford and Marshall; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of An Act, entitled

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"An Act to change the County lines of Bedford and Marshall"—section 4, chapter 9, page 9, of the Acts of 1866–67, be, and the same is hereby, repealed.

Maury and Giles.

SEC. 2. *Be it further enacted*, That the line between the Counties of Maury and Giles, be so changed as to include the lands of C. J. Dugger, in the County of Maury.

Lincoln and Marshall.

SEC. 3. *Be it further enacted*, That the County line between the Counties of Lincoln and Marshall, be so changed as to include the land of William Buchanan, in the fourth District of Marshall County.

Benton and Carroll.

SEC. 4. *Be it further enacted*, That the line between the Counties of Benton and Carroll, be changed as follows, to wit: beginning on Big Sandy River, where said county line crosses said river; thence, running down the river, to the mouth of Bear Creek; thence, up said creek, to the old county line, attaching the territory, in said bounds, to the county of Carroll.

Carroll and Henry.

SEC. 5. *Be it further enacted*, That the line between the Counties of Carroll and Henry, be changed as follows: beginning where the Counties of Carroll and Henry corner on the Benton County line; run North to Bear Creek; thence, up said creek, to a point from which to run a line due South; will include in the County of Carroll the lands and residences of Marion Wood and N. Swift.

Weakley and Obion.

SEC. 6. *Be it further enacted*, That "An Act to change the line between the Counties of Weakley and Obion," passed December 3d, 1867, be so amended and changed, as to run up the North fork of Obion, with it meanders, one mile above Davis's Mills; thence North to the Clinton road; thence with the Clinton road to the State line.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed December 12, 1867.

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CHAPTER XXI.

AN ACT to Reduce the Military Expenses of the State.

Governor's Staff.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws and parts of laws now in force in this State, authorizing the payment of the Governor's Staff, or any member thereof, for any service except active military service rendered during hostilities in time of insurrection or rebellion, be, and the same is hereby, repealed.

Adjutant-General.

SEC. 2. *Be it further enacted*, That the Adjutant-General of the State shall perform the ordinary duties of that office, and shall also officiate as clerk or private secretary to the Governor, in the performance of such executive duties as are not, by law, imposed upon the Secretary of State; and said Adjutant-General shall receive a salary of one hundred and fifty dollars per month, and may be discharged by the Governor whenever, in his opinion, his services can be dispensed with.

Repealed.

SEC. 3. *Be it further enacted*, That all laws now in force authorizing the employment of a clerk for the Adjutant-General's office, are hereby repealed.

State Guards.

SEC. 4. *Be it further enacted*, That hereafter, when the State Guards in active service, shall not exceed six hundred in number, the highest officer under pay shall be a Lieutenant-Colonel; and when said State Guards shall not exceed one thousand, the highest officer under pay shall be a Colonel-Commandant; and there may be a Colonel under pay for each additional one thousand State Guards.

Pay of Officers and Privates.

SEC. 5. *Be it further enacted*, That the pay of a Colonel of State Guards shall be one hundred and eighty dollars per month, without additional commutation; and the pay of a Lieutenant-Colonel shall be one hundred and sixty dollars per month, and the pay of a Major shall be one hundred and thirty dollars per month, and the pay of a Captain shall be one hundred dollars per month, and the pay of a first, second and third Lieutenant shall be respectively, eighty, seventy and sixty dollars per month. All of said officers to be paid without commutation, and the pay of all non-commissioned officers and privates, shall be the same as that fixed by the laws and regulations governing the U. S. Army.

Commissions.

SEC. 6. *Be it further enacted*, That there shall be no officer appointed or commissioned to be in any way connected with said State Guards, except such as are allowed to a similar number of men by the United States Army Regulations.

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SEC. 7. *Be it further enacted*, That some Lieutenant of the line in each regiment shall discharge the duties of Commissary and Quartermaster; and the highest officer in command of the State Guards, shall detail any officer he may prefer to perform such duties, who shall receive one hundred dollars per month instead of the pay fixed in the 5th section of this Act for officers of a similar grade; and there shall be no other officers in the Commissary and Quartermaster's Department, except as herein provided for. Commissary and Quartermaster.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER.
Speaker of the Senate.

Passed December 13, 1867.

CHAPTER XXII.

AN ACT Relating to Receivers of Railroads, and the power of the Governor over the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of a Receiver of any railroad to make, under oath, a detailed statement of the receipts and disbursements of all moneys received during each month; said statement to be filed with the Comptroller on or before the 20th of each month next after that to which the statement refers. To make statements.

SEC. 2. *Be it further enacted*, That the Governor be, and he is hereby authorized, to remove the Receiver of any railroad, when in his opinion the interest of the State will be promoted. Removals.

SEC. 3. *Be it further enacted*, That from and after the passage of this Act it shall be the duty of all Receivers to give a bond of fifty thousand ($50,000) dollars for the faithful discharge of their duties, to be approved by the Governor and filed with the Comptroller. Bond.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 13, 1867.

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CHAPTER XXIII.

AN ACT Changing the County line between the Counties of Smith and Putnam, and other counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County line between the Counties of Smith and Putnam, be so changed as to include the present residence and lands of Mitchell M. Crowell in the County of Smith.

M. M. Crowell.

SEC. 2. *Be it further enacted*, That the citizenship of Mitchell M. Crowell be changed from the County of Putnam to the County of Smith.

Wilson and DeKalb.

SEC. 3. *Be it further enacted*, That the County line between the Counties of Wilson and DeKalb, be so changed as to include within the County of DeKalb that portion of the lands of Edie Ways and Thomas West, of DeKalb County, which is situated in the County of Wilson.

Rhea and Hamilton.

SEC. 4. *Be it further enacted*, That the county lines between Rhea and Hamilton, be, and the same is hereby, so changed as to include the farm of Mrs. Ann Russell, the farm of the heirs of John Gray, deceased, the farm of Mrs. Nancy McGill, the farm of Alexander Hickman, the farm of F. M. Bowers, in the county of Rhea; beginning on the Black Oak Ridge where the county line crosses the said Russell line; thence with said line South-Westwardly to the line of the Gray farm; thence with said line to Mrs. McGill's line; thence with said line to the line of Alex. Hickman; thence with said line to the line of F. M. Bowers; thence with said line to where it crosses the old county line on the side of Walden's Ridge.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed December 13, 1867.

CHAPTER XXIV,

AN ACT to Authorize certain persons to Practice Law before Justices of the Peace of this State, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any one over the age of

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twenty-one years, and of good standing, shall be entitled to practice law, as an attorney, or act as counsel, for any person or persons, in all causes arising or coming before any Justice or Justices of the Peace in this State, and before the County Court of his county.

SEC. 2. *Be it further enacted*, That before any person shall avail himself of the privilege as granted in the first section of this Act, he shall be required to take an oath to support the Constitution of the United States and the State of Tennessee, and be true to his client, before the County Court Clerk of the county in which such person lives, and to pay to said Clerk, as a license, the sum of five dollars, to go to the use of the Common School Fund of the State. Oaths, etc.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Clerk of said county to indorse upon the license of said person applying for the same, that he really believes the said applicant is a person of good standing, or character, in the county, and is entitled to the license; for which certificate and services rendered by the Clerk, he shall be entitled to a fee of twenty-five cents, to be paid by said applicant. Indorsement.

SEC. 4. *Be it further enacted*, That all laws or parts of laws, in conflict with this Act, be, and the same are hereby, repealed; and that this Act take effect from and after its passage. Repealed.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 16, 1867.

CHAPTER XXV.

AN ACT to Improve the Facilities of Voting.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Commissioners of the County of Shelby are hereby required to establish four voting precincts in the city of Memphis, in addition to those now established by law.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 16, 1867.

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CHAPTER XXVI.

AN ACT for the Benefit of the Metropolitan Police at Chattanooga; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller be, and he is hereby, directed to issue his warrant upon the Treasurer for the sum of nine thousand dollars to A. A. Pearson, Metropolitan Police Commissioner for Chattanooga, to be applied to the payment of the policemen and officers at Chattanooga, for services rendered by them from the 1st day of November, 1866, to the 9th of March, 1867, in compliance with An Act passed the 14th of May, 1866, establishing and providing for said police force.

SEC. 2. *Be it further enacted*, That, as the Metropolitan Commissioner has been enjoined from collecting and paying, by a suit now pending in the Supreme Court, and so soon as the suit is decided it shall be the duty of said Commissioner to proceed and collect as was contemplated by law, and refund the amount loaned or paid by the State to the Treasurer of the State, and said Treasurer shall account for the same; and it is hereby made the duty of the Attorney-General to prosecute the suit.

Commissioner to refund.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 17, 1867.

CHAPTER XXVII.

AN ACT to Authorize the issue of Bonds by the City of Nashville; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and City Council of Nashville shall be, and are hereby, authorized to issue in their corporate capacity, the Coupon Bonds of the city of Nashville, to the amount of three hundred thousand dollars, bearing interest at the rate of six per cent. per annum. The said bonds shall be of such denomination—each not less than one hundred nor more than one thousand dollars, as may be fixed by Act of the Mayor and City Council of Nashville; and shall mature at such time or times, and may be made payable at such

Maturity.

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place or places, as the said Mayor and Council may designate, not less than five nor more than thirty years after the date or dates of the issuance thereof; and the interest on said bonds shall be made payable semi-annually, at such place or places as may be fixed by authority of said Mayor and City Council.

May sell Bonds.

SEC. 2. *Be it further enacted*, That the Mayor and City Council of Nashville have authority to sell the bonds of the city, the issuance of which is provided for in the foregoing section, or any part thereof; and the proceeds of such sale or sales, shall be applied to the payment of the past due interest coupons on Nashville City Bonds, and to liquidate the floating debt of the city.

Special Tax.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Mayor and City Council of Nashville, and it is hereby made a condition of the granting of the privileges and benefits of this Act, in each annual apportionment of the taxes upon property in the said city, to levy a special and separate tax, the proceeds of which shall constitute a fund to be called the interest fund, which fund shall be held apart from all other moneys paid into the Treasury of the City of Nashville, and be applied exclusively to the payment of the interest on the public funded debt of said city, including any part of said debt herein provided for, until the said fund shall amount to a sum sufficient to liquidate all the interest on said funded debt falling due within the year of each of such apportionments; and the residue of said funds, if any, shall be paid into the common funds of the city.

Act of May 24th, 1866, repealed.

SEC. 4. *Be it further enacted*, That so much of An Act (passed by the General Assembly of the State of Tennessee, May 24th, 1866,) entitled "An Act to change the corporation of Nashville, and to authorize the issue of bonds by the City of Nashville, and for other purposes," as refers to and gives the Mayor and City Council of Nashville authority to issue $300,000 of Coupon Bonds, to be used for certain purposes therein specified, be, and the same is hereby, repealed.

Carter County may take Stock.

SEC. 5. *Be it further enacted*, That the County of Carter is hereby authorized to take stock in the East Tennessee and Western North Carolina Railroad to an amount not exceeding fifty thousand ($50,000) dollars.

May issue Bonds.

SEC. 6. *Be it further enacted*, That the county of Carter is hereby authorized to issue County Coupon Bonds to an amount not exceeding fifty thousand ($50,000) dollars, bearing interest at six per cent., to run not less than fifteen nor more than thirty years. The bonds shall be issued and used expressly for the purpose of paying the county stock taken in said road; *Provided*,

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Proviso. that this Act shall not be so construed as giving said county the right to issue County Coupon Bonds for any other purpose than that prescribed in this Act.

SEC. 7. *Be it further enacted*, That this Act take effect roman after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 17, 1867.

CHAPTER XXVIII.

AN ACT to Cede to the United States exclusive jurisdiction of all the Lands upon which Public Buildings are erected.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the exclusive jurisdiction over any tracts of land, and parcels of ground, with all the appurtenances belonging thereto, purchased by or for the United States, for sites for Public Buildings, is hereby ceded to the United States; *Provided, always*, Proviso. however, that whenever such premises shall cease to be owned, used, or occupied by or for the United States, the jurisdiction of such property shall revert to the State of Tennessee.

SEC. 2. *Be it further enacted*, That the property over which jurisdiction is ceded herein, shall be exonerated Free from Taxes. and free from any taxation or assessment while in actual use, under the authority of this State, or of any municipality therein, until jurisdiction shall have reverted; and no process of any Court shall be permitted against the same, or to dispossess the officers or agents of the United States.

SEC. 3. *Be it further enacted*, That any malicious, willful, reckless, or voluntary injury to, or mutilation of the Mutilation of Buildings, etc ground, buildings, or appurtenances, shall subject the offender or offenders, to a fine of not less than twenty dollars, to which may be added, for an aggravated offense, imprisonment, not exceeding six months, in the County Jail or Workhouse, to be prosecuted before any Court of competent jurisdiction.

SEC. 4. *Be it further enacted*, That this Act shall take effect, and be in force, from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed January 14, 1868.

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CHAPTER XXIX.

AN ACT to Change the time of holding the Chancery Court in the County of Lawrence.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Chancery Court for Lawrence County, in the fifth Chancery Division of the State of Tennessee, shall hereafter be held at Lawrenceburg, on the first Mondays in February and August.

SEC. 2. *Be it further enacted*, That the process and precepts that have been made returnable to the Regular Term of said Court, on the first Monday of November next, shall be, and the same are hereby, made returnable to the Term of said Court, as provided in the first section of this Act. Process, etc.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage; and that all Acts in conflict with this Act, be, and they are hereby repealed.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed January 14, 1868.

CHAPTER XXX.

AN ACT to Create and Regulate the office of County Judge, in the counties of Perry, Decatur, Cheatham and Lauderdale, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be elected by the qualified voters of the counties of Perry, and Decatur, and Cheatham, and Lauderdale, a person, to be styled County Judge, for each county, who shall hold his office for the term of eight years from the date of his Commission, who shall be elected on the first Saturday in March, 1868. Term of office, etc.

SEC. 2. *Be it further enacted*, That the election for County Judge shall be held at the same places, and by the same officers, by whom the county elections are held, on the first Saturday in March, and under the same regulations prescribed for county elections—except elections to fill vacancies, which may be held at any time, under proper notice. Elections.

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Commission, Oaths, etc.

SEC. 3. *Be it further enacted*, That the County Judge shall be commissioned in the same manner as other Judges of this State; and before entering upon the duties of his office, he shall take an oath to support the Constitution of the United States, and the Constitution of the State of Tennessee, with all its amendments; and an oath faithfully to discharge the duties of his office.

Quorum Courts abolished, etc

SEC. 4. *Be it further enacted*, That the Quorum Courts of the aforesaid counties are hereby abolished, and the County Judge shall have and exercise all the jurisdiction and power now belonging to the Quorum Courts. Said Judge shall preside over the County Court, at its quarterly sessions, which shall be held as heretofore; and shall have and exercise the same power, jurisdiction and authority, which now belongs to, or is exercised by the Chairman of the County Court; and shall perform the same duties as are now required of said Chairman, either in or out of said County Court.

County Court Sessions.

SEC. 5. *Be it further enacted*, That the County Court, to be held by the County Judge, shall hold its Regular Sessions on the first Monday in each month; *Provided*, That on the Mondays of the Quarterly Sessions of the County Court, all business requiring the presence of all, or any of the Justices of the county, shall first be disposed of; after which, the County Judge shall dispose of such other business as may properly come before said Court, under the provisions of this Act; and said Court shall sit, from day to day, so long as the business thereof may require.

Jurisdiction.

SEC. 6. *Be it further enacted*, That all the jurisdiction and power of the present County Court over Administrations, Executors, Guardians, Wards, Trustees, Wills, Dowers and Partitions, Sales or Divisions of Lands, and of all testamentary and administration, matters, or subjects connected therewith, and questions of lunacy, are abolished; and the same are hereby transferred and given to the County Court, to be held by the County Judge, who shall have all the jurisdiction, power and authority, over all these subjects which may be necessary and proper in the exercise thereof; *Provided*, That either party may have the right of appeal from any judgment, order, decree or action of said County Judge, as is now allowed by the laws of this State in other cases.

Appeal.

Clerk.

SEC. 7. *Be it further enacted*, That the County Clerk shall be, and continue, the Clerk of the County Court, to be held by the County Judge; and shall have all the power, jurisdiction and authority now possessed by him.

Powers and duties of County Judge

SEC. 8. *Be it further enacted*, That the County Judge shall be the Accounting Officer and General Agent of

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the county; and as such, he shall have power, and it shall be his duty: Same.

Firstly. To have the care and custody of all the county papers, except such as are by law placed in custody of other county officers.

Secondly. To control all books, papers, and instruments, pertaining to his office.

Thirdly. To audit all claims for money against the county.

Fourthly. To draw, and seal with the seal of the County Court, all Warrants upon the County Treasury.

Fifthly. To audit and settle the accounts of the County Trustee, and those of any other Collector, or Receiver of the county revenue, taxes, or incomes, payable into the County Treasury; and to require said officers or persons to render and settle their accounts, as directed by law.

Sixthly. To enter in a book, to be known as "Warrant Book," all Warrants issued, in order that he may know the number issued, date, and amount, and name of drawee, of each Warrant drawn upon the Treasury. Same.

Seventhly. To keep, in a suitable book, an account of of the receipts and expenditures of the county, in such a manner as to show clearly the assets of the county, and the debts payable to and by it—balancing said account semi-annually; and to superintend the financial condition of the county.

Eighthly. No money shall be drawn out of the County Treasury only upon a Warrant issued by the County Judge.

SEC. 9. *Be it further enacted*, That the County Judge shall receive two hundred dollars per annum, during the sitting of the Monthly and Quarterly Courts; and the several Quarterly Courts are hereby authorized tc make additional compensation to the Judge, by appropriation, for his services, if they, in their judgment, think proper and right. Said Judge shall be paid his compensation quarterly, out of the County Treasury, upon the Judge's own Warrant. Salary

SEC. 10. *Be it further enacted*, That it shall be the duty of the Clerks of the aforesaid County Courts, of Perry and Decatur, to keep a docket of all the cases to be tried in said Courts. Clerks' duties

SEC. 11. *Be it further enacted*, That it shall be the duty of said Clerk, to enter upon said docket, all suits, motions and actions, that may come before said Court for trial; and that no suit, motion or action, before said Court, shall be tried, except it appears on said docket; and all suits, motions and actions, shall be tried in order, as they appear on said docket. Same.

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County Judge may practice law.

SEC. 12. *Be it further enacted*, That the County Judge shall not be precluded from practicing in the Supreme, Chancery, Circuit and Criminal Courts in this State; but shall not be permitted to act as counsel in any cases going up from his own Court.

Smith.

SEC. 13. *Be it further enacted*, That the County of Smith shall be allowed a County Judge, who shall have a salary of five hundred dollars per annum. Said salary to be paid quarterly, out of the County Treasury, of the County of Smith; and the jurisdiction of said Judge shall be the same as provided for by the provisions of this Act.

Fayette.

SEC. 14. *Be it further enacted*, That the county of Fayette be, and is hereby, allowed a County Judge, and he shall have a salary of six hundred dollars, to be paid in quarterly installments, out of the County Treasury; and said County Judge shall have all the powers and privileges conferred upon County Judges, and be subject to the liabilities and restrictions established by law in this State.

Henry, Weakley und Gbion counties.

SEC. 15. *Be it further enacted*, That the County of Henry, and the County of Weakley, and the County of Obion, shall each, and they are hereby allowed, a County Judge, who shall be allowed a salary of five hundred dollars, to be paid out of the County Treasury, quarterly; and said County Judge shall be Financial Agent for their counties, with all the rights and privileges that are given to the County Judges for the counties of Perry and Decatur.

SEC. 16. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed January 31, 1868.

CHAPTER XXXI.

AN ACT to Remove all Disabilities for Holding office, and Sitting on Juries, on account of race or color.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, from and after the passage of this Act, there shall be no disqualification for holding office, or sitting on Juries, on account of race or color.

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SEC. 2. *Be it further enacted*, That all laws, or parts of laws, in conflict with the first section of this Act, be, and they are hereby repealed; and that this Act take effect from and after its passage. Repealed,

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed January 31, 1868.

CHAPTER XXXII.

AN ACT Accepting the Donation of Lands to Tennessee, for the Endowment of Agricultural Colleges.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the State of Tennessee, by this Act, accepts all the provisions of An Act of the Congress of the United States of America, approved July 2, 1862, and subsequent Acts, entitled "An Act donating public lands to the several States and Territories, which may provide Colleges for the benefit of Agriculture and the Mechanic Arts," and assents to the conditions specified in said Act, especially all those set forth in the fifth section thereof, and numbered first, second, third, fourth, fifth, and sixth. State's Assent.

SEC. 2. *Be it further enacted*, That the Governor of this State is hereby authorized and directed to notify the proper authorities of the United States, of the passage of this Act, by filing with them an authenticated copy thereof; and to take such other steps as may be necessary to obtain the land scrip to which the State of Tennessee is entitled, under the provisions of the Act of Congress referred to in the foregoing section; and such scrip, when obtained, shall be held by the Governor for the use of the State, until it is disposed of as hereinafter provided. Governor to notify, etc.

SEC. 3. *Be it further enacted*, That the Governor, Secretary, and Comptroller of the State, be, and they are hereby authorized and requested to receive, sell, and the Secretary of State shall assign, at such time and upon such terms as they may deem best for the interests of Tennessee, or as the Legislature may hereafter by law direct, the whole, or any part, of the scrip or land warrants issued, or to be issued, to this State, by virtue of To assign Scrip, etc.

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tho Act of Congress referred to in the first section of this Act.

How to be invested.

SEC. 4. *Be it further enacted*, That the proceeds of the sale or sales aforesaid, shall be invested in six per cent. interest-bearing bonds of this State—the principal of which bonds shall be forever held sacred for the purposes directed in the Act of Congress aforesaid; and the interest thereof shall be paid over semi-annually, on the first day of July, and on the first day of January, of each year, as directed by law.

Expenses, how paid.

SEC. 5. *Be it further enacted*, That the Governor, Secretary of State, and Comptroller, may perform and discharge any of the acts, trusts, or duties, authorized, directed or conferred herein by any Agent or Agents by them selected and appointed. For all costs and expenses incurred in carrying into effect the provisions of this Act, upon the Governor's certificate thereof, the Comptroller is directed to draw his Warrant therefor, upon the Treasurer, who will pay the same.

SEC. 6. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 1, 1868.

CHAPTER XXXIII.

AN ACT to Amend "An Act for the Protection of Sheriffs, and other Civil Officers of the State," passed June 7th, 1865; and for other purposes.

Repeald.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of An Act passed June 7th, 1865, entitled "An Act for the protection of Sheriffs and other civil officers of this State," as requires the County Guards in said Act provided for, to consist of citizens of the county in which they may serve, be, and the same is hereby, repealed; and the Sheriff may recruit said County Guards by the employment of any of the loyal citizens of this State.

SEC. 2. *Be it further enacted*, That the County Court of the county in which such Guards may be employed by the Sheriff, under the provisions of this Act, and the Act this is intended to amend, shall not have power to dis-

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and said County Guards, until a copy of the order of the Court, disbanding said Guards, shall be first approved and indorsed by the Judge and Attorney-General of the Circuit in which the county may be situated. How, disbanded.

SEC. 3. *Be it further enacted*, That said County Guards shall furnish their own arms and supplies, and shall be allowed two dollars per day for each man, and one dollar per day for each horse the Sheriff may deem it necessary to use—to be paid out of the County Treasury, upon the demand of the Sheriff, accompanied by his certified report to the Clerk of the County Court, setting forth the number of Guards and horses, and number of days served. How paid.

SEC. 4. *Be it further enacted*, That, in case any County Court shall fail, or refuse, at its first quarterly session after the organization of the County Guards provided for in this Act, and the Act this is intended to amend, to make a sufficient appropriation for the payment of said Guards, the Sheriff shall notify the Governor of such failure, or refusal; and shall present to the Governor a copy of his report: whereupon, it shall be the duty of the Governor to send an Assessor, of his own appointing, who shall levy and collect the necessary amount to pay said Guards, and to continue them three months longer, from the tax-payers of the county; and said Assessor shall be allowed six dollars per day for his services, in assessing and collecting said taxes—to be estimated by the Governor, in advance, and collected with the taxes levied for the payment of said Guards; *Provided*, That if any balance remain in the hands of said Assessor, he shall pay the same over to the County Trustee, and take a receipt therefor; and, *Provided*, That said taxes shall be levied upon real estate alone; and the process of collection herein provided may be repeated as often as may be necessary. Failure of County Court to make appropriation. How collected.

SEC. 5. *Be it further enacted*, That the Assessor herein provided for, shall have all the powers of a Sheriff and Tax Collector, for the purposes of his office, and may have command of the County Guards provided for in this Act, if he shall deem the same necessary; and if, in his opinion, bidders will not appear and bid for property distrained by him, he may, after due notice, and failure to sell for want of bidders, carry said property to any County in this State, and sell the same, upon the same terms and in the same manner as is now provided by law for the sale of property distrained, for State and County taxes; and if, in such case, real estate be levied upon, he shall sell the same in like manner, in any County of the State, and return the facts to the Circuit Powers of Assessor.

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Court of the County in which he may sell the same; and also to the Circuit Court of the County in which the real estate may lie; and judgments of condemnation shall be entered in each of said counties, and the proceedings, if otherwise regular, shall be deemed valid and sufficient to convey the title to the purchaser.

Same,

Sheriff's pay

SEC. 6. *Be it further enacted*, That while said County Guards are in active service, to the number of twenty-five, said Sheriff shall receive the pay of a Captain of Infantry, according to the Articles and Regulations of the Army of the United States, in addition to his other fees of office; and, if he deems it necessary, to have as many as fifty of said County Guards, he may have one deputy, who shall be entitled to the pay of a Lieutenant of Infantry—all of which shall be paid out of the County Treasury, and may be collected as herein provided.

Failure or refusal of Sheriff.

SEC. 7. *Be it further enacted*, That in case any Sheriff of any county of this State shall willfully fail, or refuse, to execute the necessary process, and to make the necessary arrests for the protection of the citizens, and the preservation of law and order, and for the punishment of offenders, in his county; or shall willfully fail to apprehend offenders from other counties, or States, under lawful process; or in case any Sheriff shall fail, or be unable to provide himself with necessary County Guards for the preservation of law and order, it shall be the duty of the Judge, and Attorney-General of the Circuit including such County, to certify such failure, or refusal, to the Governor; or, upon the affidavit of two known loyal citizens of this State, of such failure, or refusal, of the Sheriff; and it shall be the duty of the Governor forthwith, by his Executive order, to organize and establish a sufficient County Police, in such County, to arrest offenders and preserve the peace; and for such purpose, he shall have all the powers conferred upon him by An Act passed May 14th, 1866, entitled "An Act to establish a Metropolitan Police District, and to provide for the government thereof;" and he shall, by Proclamation, declare such county to be a Metropolitan Police District; and the officers and members of such County Police, shall, from the date of their appointment, have all the powers, rights and authority, and shall be subject to all the rules, laws, regulations and restrictions, and subject to the same duties, and liable to the same penalties as are conferred, declared and established, by said Act to establish said Metropolitan Police District; and shall receive the same pay, which shall be paid and collected, as provided in this Act, for the payment of County Guards; *Provided*, That the jurisdiction and authority

Governor's duty.

Metropolitan Police District.

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of said County Police shall be coextensive with the county; and they may pursue offenders, upon a proper warrant, and make arrest in any part of the State; and, *Provided*, That the Governor may increase or diminish the number of the officers and members of such Police at his discretion. Same.

SEC. 8. *Be it further enacted*, That during the existence of such County Police, all process for the arrest, and all orders for the punishment, of offenders from the Circuit Court, Criminal, or Supreme Court, or from the Justices of the Peace, of such county, shall be directed to the highest officer of such Police Force, who shall indorse thereon an order, directing the execution and return thereof, by such policeman or officer as he may direct; and such process may be returned before such authority as he may direct; *Provided*, That process from the Supreme, Circuit, or Criminal Court, shall be returned to the Court from which it may have issued; *Provided further*, That Criminal process issued before the establishment of such Police Force, and directed to any other officer of the County, may be executed by said Police officers; and such process as may be directed to said Police officers, and may remain unexecuted, after such Police Force may be disbanded, may be lawfully executed by such officers as said process would have been directed to, had such Police Force not been established. Processes. Proviso.

SEC. 9. *Be it further enacted*, That the Police Force, provided for in this Act, may be disbanded by the concurrent order of the Governor of the State, and the presiding Judge, and Attorney-General of the Circuit in which the County so declared a Police District, may lie. How disbanded.

SEC. 10. *Be it further enacted*, That An Act passed February 20th, 1867, entitled "An Act to organize and equip a State Guard, and for other purposes," be, and the same is hereby, so amended and restricted, as to apply only to times and cases of insurrection or rebellion. Repealed.

SEC. 11. *Be it further enacted*, That the Governor shall have power, in his discretion, in cases of apprehended outbreak, on public occasions, or of anticipated resistance to the laws, by combinations of large numbers of persons, to order the establishment of a Special County Police, or of the employment of County Guards, in each County in which such outbreak may appear imminent—to be commanded by such person as he may appoint; which force shall continue on duty until the danger of such outbreak or resistance ceases to exist, and no longer, when he shall disband them; and such force shall be paid, as provided in this Act for the pay- Special County Police. How paid.

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ment of County Guards, or Police, as the case may be.

SEC. 12. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 1, 1868.

CHAPTER XXXIV.

AN ACT to Repeal an Act passed on the 17th of November, 1865, Chapter 7, entitled "An Act to dispose of the Records of the Land Offices of the State, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed on the 17th of November, 1865, chapter 7, of An Act, entitled "An Act to dispose of the Land Offices of the State, and for other purposes," be, and the same is hereby, repealed, so far as it refers to the Hiwassee District.

Original Laws.

SEC. 2. *Be it further enacted*, That the original laws and Acts, relating to the Land Offices of the State, shall still remain in full force and effect, as before the passage of said Act, which this Act proposes to repeal.

City of Nashville.

SEC. 3. *Be it further enacted*, That the provisions of sections 9 to 17, inclusive, of Chaptor 46, of An Act passed May 9th, 1867, entitled "An Act to create an additional number of Justices of the Peace and Notaries Public, for the City of Memphis, and for other purposes," be, and are hereby, extended, and made applicable to the City of Nashville,

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 4, 1868.

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CHAPTER XXXV.

AN ACT for the Protection of Merchants, Factors, and Cotton Brokers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, when Merchants, Factors, or Cotton Brokers, shall sell Cotton, a special lien in behalf of the vendors upon the Cotton so sold, for the purchase-money agreed to be paid therefor, shall exist for the space of five days, from and after the day of sale or delivery thereof, unless the said purchase-money be sooner paid. Lien.

SEC. 2. *Be it further enacted*, That this lien shall be enforced by attachment, in any of the Courts of the State, either at law or in equity.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 10, 1868.

CHAPTER XXXVI.

AN ACT to Change the Time of Holding the Chancery Court, in Bedford County; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Chancery Court for the County of Bedford, shall hereafter be held on the third Mondays in March and September.

SEC. 2. *Be it further enacted*, That the line between the 5th and 17th Civil Districts of Hamilton County, be so changed as to include the following boundary in the 17th Civil District; beginning at the bank of the Tennessee River, on the line between the second and third Townships of the Ocoee District, and near the line of the Corporate limits of the City of Chattanooga; running thence along said Township line to the Georgia State line; thence along said State line, Westward, to the line now separating the fifth and seventeenth Districts; and thence along said line, Northward, to the beginning. Hamilton county.

SEC. 3. *Be it further enacted*, That the said area above

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17th Civil District, etc.

described, shall be, and is hereby, attached to, and made a part of, the seventeenth District of said county, and be included in, and under the jurisdiction of the Law and Chancery Courts of Chattanooga; and be allowed the same rights, and subject to the same restrictions as the District now under, and within the jurisdiction of said Courts; and that all suits now pending in the Circuit or Chancery Courts, at Harrison, Tennessee, which originated within the area taken from the fifth and attached to the seventeenth District, be transferred to the Law and Chancery Courts of Chattanooga, respectively.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 14, 1868.

CHAPTER XXXVII.

AN ACT to Regulate the Publication of Legal Notices.

Governor to designate newspaper.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Governor, upon the passage of this Act, to designate such newspapers, in each and every Congressional District in the State, as, in his judgment, the public interests may require, in which all Legal Advertisements, required by law to be made in a newspaper, shall be published for every County in such Congressional District, as required by law:—orders of publication; attachment, and non-resident notices; sales of land by decrees, executions, mortgage, and for taxes, by Sheriffs, Clerks, and all other officers; together with all other advertisements required by law to be made and published in a newspaper, of whatever nature,—which newspapers shall be printed and published in the Congressional District, in and for which they shall be so designated; *Provided*,

Proviso.

That no such newspaper, so designated, shall become an official newspaper for the publication of the Legal Advertising of any County, or District, for which it may be so designated, unless such appointment shall be confirmen by the Senate; *Provided, further*, That not more than one newspaper be so designated in any one County;

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Provided, That in any District where a German paper is published, and where the number of the population may justify it, such German paper may be designated additionally. Same.

SEC. 2. *Be it further enacted*, That all newspapers, so designated, shall be the official newspapers for the County and the Congressional District, in and for which said newspapers may be so designated, and in which all the Legal Advertising of such County and District shall be made, as required by law; and it shall be the duty of the editor, or publisher of such newspaper, upon the payment of the printer's fee, to file in the Clerk's office of the Court having jurisdiction, his affidavit, with a printed copy of such advertisement appended, together with his receipt for the payment of the printer's fee, paid by the party at whose instance, or for whose benefit such advertisement shall have been made, to be collected as other costs; which affidavit shall give the dates of the paper in which the advertisement appeared, and be filed and recorded by the Clerk, as the legal evidence of the publication of the same; to be read, or a certified copy thereof, in all Courts of Law and Equity; and any such publications made contrary to the provisions of this Act, in Districts where newspapers are so designated, shall be null and of no effect. Official newspapers. Affidavit.

SEC. 3. *Be it further enacted*, That the compensation to the publishers of newspapers in this Act, be the same as now provided by law, for similar services; and all laws, and parts of laws, in conflict with this Act, be, and the same are hereby, repealed. Compensation.

SEC. 4. *Be it further enacted*, That in case there is no paper designated in a county, then, and in that case, the legal notices shall be published in the most convenient and widely circulated paper, by, and in said county, designated by the Governor, for the publishing of legal notices. Not designated.

SEC. 5. *Be it further enacted*, That this Act shall take effect thirty days after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 17, 1868.

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CHAPTER XXXVIII.

AN ACT to Change the Time of Holding the Courts in the 13th Chancery Division.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Chancery Courts in the Thirteenth Chancery Division of the State, shall be held on the first Monday in April, and the first Monday in October, in each year, instead of the times now fixed by law for holding said Court.

Process.

SEC. 2. *Be it further enacted*, That the process made returnable to the first Monday in February, eighteen hundred and sixty-eight, shall not be affected by the provisions of this Act; but the defendants, in any causes made returnable to the first Monday in February, shall have until the first Monday in April, to enter their appearance, and make their defense.

Scire Facias.

SEC. 3. *Be it further enacted*, That said Court shall have power to direct, by a rule of the Court, to be entered on the minutes when final process shall issue; but shall not direct that writs of *Scire Facias* shall issue within twenty days after the decree or judgment is rendered, except when sufficient cause is shown, as now provided by law.

Repealed.

SEC. 4. *Be it further enacted*, That all laws, and parts of laws, coming in conflict with this Act, are hereby repealed.

16th Judicial Circuit.

SEC. 5. *Be it further enacted*, That the Circuit Court, in the 16th Judicial Circuit of the State of Tennessee, shall hereafter be held as follows, viz: At Tiptonville, in Obion County, on the second (2d) Mondays in January, May and September; at Dyersburg, in Dyer County, on the fourth (4th) Mondays in January, May and September; at Dresden, in Weakley County, on the second (2d) Mondays in February, June and October; at Troy, in Obion County, on the first (1st) Mondays in March, July and November; at Trenton, in Gibson County, on the fourth (4th) Mondays in March, July and November; *Provided*, That this Act shall take effect on the first day of May, 1868, so far as relates to the Counties of the 16th Judicial Circuit; and the said Courts, until that time, shall be held at the times heretofore provided by law.

Times of holding Courts.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed January 31, 1868.

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CHAPTER XXXIX.

AN ACT Appointing A. E. Boon, Agent, to take charge of and perfect the Papers and Accounts in the late Quartermaster-General and Paymaster's Office.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That A. E. Boon, (late Capt. and A. Q. M., T. S. Guards,) be, and he is hereby, appointed to settle with, take charge of, examine and perfect, the Papers, Vouchers, Books, Accounts, &c., in the late Quartermaster-General's Office, and late Paymaster's Office, so as to render said accounts with the State, complete and intelligible.

SEC. 2. *Be it further enacted*, That the said A. E. Boon, is hereby authorized to settle with, provide for, and pay off, such officers and soldiers as are still in the service, or any others, until the Governor shall order them mustered out; and shall be paid four dollars per day for his services; *Provided, however*, That the said A. E. Boon shall give bond and security, to fully indemnify the State against any loss, before he shall draw any money from the Treasury, except for his own *per diem*, as herein provided; which bond shall be approved by the Comptroller, and filed with the Secretary of State.

Pay off Soldiers.

Bonds.

SEC. 3. *Be it further enacted*, That A. E. Boon shall be allowed ninety days, to complete the settlement with the officers of the State, and no more.

Time allowed

SEC. 4. *Be it further enacted*, That, if the time set forth in the foregoing provisions of this Act is not sufficient, the Governor is hereby authorized to extend the time, until the business is wound up.

Extended.

SEC. 5. *Be it further enacted*, That in case of the death, or resignation, of the person authorized by this Act to wind up the affairs of the Quartermaster's and Paymaster's Offices, the Governor shall be authorized to fill the vacancy, by appointment; and that this Act take effect from and after its passage.

Vacancy.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 3, 1868.

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CHAPTER XL.

AN ACT to Secure to the Loyal Citizens of Tennessee, Recompense from the United States Government, for losses incurred by the Rebellion.

Preamble.

WHEREAS, The Government of the United States, in its efforts to suppress the Rebellion, was compelled to send vast armies within the limits of the State of Tennessee, which, to a great degree, subsisted by foraging, and, either used, consumed, or destroyed, immense quantities of the property of loyal citizens of the State, for which property no compensation has ever been made; *And, whereas*, Article 5, of the Amendments to the Constitution of the United States, declares that private property shall not be taken for public use, without just compensation; *Therefore*, In order that justice may be done, in accordance with said provision, and that the loyal citizens of Tennessee may be remunerated for their actual losses;

General Claim Commissioner, Salary, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Legislature, in joint Convention assembled, to elect a General Claim Commissioner, for the State of Tennessee, who shall hold his office for two years from the date of his election, and who shall receive for his services, the sum of two thousand dollars per annum; and the salary of said Commissioner, and the necessary expenses of the office of said General Claim Commissioner, shall be paid quarterly, by Warrant of the Comptroller upon the Treasurer of the State.

Duty of General Claim Commission'r

SEC. 2. *Be it further enacted*, That it shall be the duty of the General Claim Commissioner, so elected, to prepare and prescribe separate and distinct forms, or blanks, for each class of Claims hereinafter set forth, and conforming, as far as possible, to the complete classification of Claims, under the existing laws of the United States Government, and the rules and regulations of the various Departments having cognizance of Claims; and all Claims coming within the provisions of this Act shall be made out against the United States, and in favor of the person who was the bona fide owner of the property at the time the loss was incurred; and, in case of the decease of such Claimant, then the Claim shall be in favor of the heir, or heirs of said Claimant; *Provided*, That the loyalty of said heir, or heirs, shall be established in accordance with the provisions of this Act.

SEC. 3. *Be it further enacted*, That the Governor is

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hereby authorized and empowered to appoint three Commissioners in each County of the State, upon the nomination of the Representative, or Representatives, and Senators of such County, whose duty it shall be, to hear proof, audit and approve, or reject, all Claims embraced in the provisions of this Act; but all Claims, whether approved or rejected by said County Commissioners, shall be filed with said General Claim Commissioner, at Nashville, whose duty it shall be to keep a correct Record thereof, as follows: Governor to appoint three Commissioners in each county.

First. All Claims for property (except slaves,) taken, used, destroyed, occupied or injured, by the United States forces in this State; and these shall be designated as Claims on "Government Account." Government Account.

Second. All Claims for property (except slaves,) taken, used, destroyed, occupied or injured, by the Rebel forces in this State; and these shall be known as Claims on "Rebel Account." Rebel Account.

Third. All Claims of persons for services rendered the United States Government, whether in the Quartermaster's, Commissary, Engineering or Medical Departments. This class of Claims shall be designated as "Wages' Account;" and the wages due shall be computed, in accordance with the rate stipulated by the Government at the time such service was rendered; and if no rate was stipulated at the time such service was rendered, then the time and the service being proven, the amount of wages shall be left blank; to be determined by the General Government. Wages' Account.

SEC. 4. *Be it further enacted*, That each of the said County Claim Commissioners shall receive, as compensation for his services, the sum of three dollars per day, for each day's actual service; and their several accounts for service, shall be made under oath, that the service has been actually rendered; which accounts, when approved by the Governor, shall be presented to the Comptroller, who shall issue his Warrant for their payment. Compensation.

SEC. 5. *Be it further enacted*, That the necessary office expenses of the County Claim Commissioners, shall also be defrayed by the State, when such expense accounts are presented in the manner prescribed in the preceding section of this Act, for the payment of the accounts of the Commissioners, for their services. Office Expenses.

SEC. 6. *Be it further enacted*, That, immediately after their appointment, and before entering upon the duty of their office, the General Claim Commissioner and the County Claim Commissioners, shall take the oath prescribed in the Franchise Law; and to discharge honestly To take oath.

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Same.

and faithfully the duties of their office, without favor or affection; which oath shall be filed in the office of the Secretary of State; and the County Claim Commissioners, for each County, shall select one of their number, who shall act as Chairman, and whose certificate shall appear upon all Claims that are audited and approved, or rejected; and said certificate shall be attested by the other two Commissioners.

Claims, how approved.

SEC. 7. *Be it further enacted*, That no Claim shall be examined, audited and approved, or rejected, by any one member of the County Claim Commission, alone; and said Commissioners shall not audit any Claim whatever, unless the applicant shall first have taken the oath as prescribed in the Franchise Law, and prove, by two or more disinterested persons, under oath, that said applicant was an unconditional Union man, or woman, during the Rebellion; and that said applicant did not, in any manner, give voluntary aid, comfort, countenance or encouragement, to the enemies of the Government of the United States, and was, during the entire Rebellion, and is now, loyal to said Government.

Testimony.

SEC. 8. *Be it further enacted*, That no testimony shall be received by the said County Commissioners, in support of any Claim presented, except the testimony of those whom the Commissioners have good reason to believe to be loyal citizens.

Blanks, forms, etc.

SEC. 9. *Be it further enacted*, That the County Claim Commissioners shall be furnished by the General Claim Commissioner, with the proper blanks, or forms, for making out the Claims for applicants; and all Claims embraced in the provisions of this Act, shall be filed with the County Commissioners, on or before the first day of June, 1868; and all Claims approved, or rejected, by the County Claim Commissioners, shall forthwith be transmitted to the office of the General Claim Commissioner, to be properly entered in the books of his office; and all Claims approved for payment, by the County Commissioners, shall be countersigned by the General Claim Commissioner, and the Governor of this State, before being presented to the General Government, and an appropriation asked therefor, on behalf of the State of Tennessee.

By whom countersign'd

Felony by Commissioners.

SEC. 10. *Be it further enacted*, That any Commissioner who shall, knowingly or willingly, audit the Claim of any disloyal citizen, or who shall, knowingly or willingly, violate any of the provisions of this Act, shall be deemed guilty of felony; and upon conviction thereof, in any competent Court, shall be imprisoned in the State Penitentiary for a period of not less than three, nor more than ten years.

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SEC. 11. *Be it further enacted*, That any person guilty of presenting a Claim before the said County Commissioners, and taking said oath falsely; or any witness swearing falsely to aid a disloyal person in procuring the payment of said Claim; or any person prosecuting or aiding in prosecuting a Claim for such disloyal person, under this Act, shall be deemed guilty of a felony; and upon conviction thereof, shall undergo confinement in the Penitentiary of the State for a period of not less than three, nor more than ten years. Felony by other persons

SEC. 12. *Be it further enacted*, That the Governor of the State be authorized and empowered to procure, forthwith, if possible, from the General Government, a return to the General Claim Commissioner, at Nashville, of all the Claims now on file in the Department at Washington, from citizens of Tennessee, (embraced within the provisions of this Act,) which have not thus far been audited and allowed, or approved for payment; and upon return of said Claims, by the General Government, to the General Claim Commissioner, as aforesaid, they shall forthwith be transmitted to the County Claim Commissioners of the respective County in which said Claimant or Claimants reside; to be by said Commissioners, audited and approved, or rejected. Claims now on file at Washington.

SEC. 13. *Be it further enacted*, That all Claims so returned, either with or without a Power of Attorney attached, shall, upon being rejected by the County Claim Commissioners, be filed, and recorded upon the books of the General Claim Commissioner, at Nashville; and said Commissioner shall notify said Claimant, through his Attorney, or otherwise, that said Claim is rejected by the State of Tennessee, and that no payment thereof will be made. Rejected Claims.

SEC. 14. *Be it further enacted*, That the power is hereby granted to said County Commissioners to reverse any decision made by them, either of approval or rejection, of any Claim, when, upon additional proof made, it shall appear to said County Commissioners that said decision was not in fulfillment of the oaths taken by them, as prescribed in this Act. May reverse decisions.

SEC. 15. *Be it further enacted*, That said Commissioners shall have power to send for any witness, who may have been examined, and compel said witness to attend for re-examination; and they shall have the power to send for any witnesses whose testimony they may deem necessary to arrive at all the facts in the case; and they shall have all the powers of a Court of Record, in similar cases; and it shall be their duty, upon sufficient cause appearing to them, to re-hear any case they may have Powers of Commissioners.

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decided; and upon additional proof, reverse their former decision.

Governor to present to General Government.

SEC. 16. *Be it further enacted*, That the Governor of Tennessee shall, upon the auditing and approval of the Claims embraced in the provisions of this Act, forthwith present the same, properly classified, to the General Government, through our Representatives and Senators in Congress, and ask that an appropriation be made, without delay, to the State of Tennessee, to enable the State to liquidate the same.

Appropriation by General Government.

SEC. 17. *Be it further enacted*, That, should an appropriation be made by the General Government to the State of Tennessee, for the payment of any class or classes of Claims, enumerated in the provisions of this Act, then, and in that case, the Comptroller of the State shall issue his Warrant upon the Treasurer, in favor of said Claimant, or his Attorney, for the amount due said Claimant; and that the expenses incurred by the provisions of this Act, be paid out of any moneys in the Treasury, not otherwise appropriated.

County Commissioners' Book.

SEC. 18. *Be it further enacted*, That it shall be the duty of the County Commissioners to keep, in a well-bound book, the name of the Claimant, the number and class of his Claim, and the name of the witnesses on said Claim; and the said book shall be furnished to the County Commissioners by the General Claim Commissioner; and said book is to be deposited in the County Court Clerk's office, for future reference.

Non-residents

SEC. 19. *Be it further enacted*, That loyal citizens of Tennessee, who have removed from the State, who sustaind losses by the Rebellion, either in property, (except slaves,) or damages, shall be entitled to the benefits of this Act, by complying with the requirements of this Act; *Provided*, That nothing in this Act shall be so construed as to entitle *Sutlers* and *Speculators* of the armies, to any pay for any losses they may have sustained in their line of business.

County Commissioners to give notice.

SEC. 20. *Be it further enacted*, That said County Claim Commissioners shall, immediately after qualifying for the duties of their office, make known, by written or printed notices, at one or more public places in each Civil District of their respective Counties, giving the day on which said Commissioners will be found at the County site, or other place designated, of their county, for the purposes expressed in this Act.

SEC. 21. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 19, 1868.

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CHAPTER XLI.

AN ACT Accepting the Donation of Lands to Tennessee for the Endowment of Agricultural Colleges.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the State of Tennessee, by this Act, accepts all the provisions of An Act of the Congress of the United States of America, approved July 2d, 1862, and subsequent Acts, entitled, "An Act donating public lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts," and assents to the conditions specified in said Act, especially all those set forth in the fifth section thereof, and numbered first, second, third, fourth, fifth and sixth. Acceptance.

SEC. 2. *Be it further enacted*, That the Governor of this State is hereby authorized and directed to notify the proper authorities of the United States of the passage of this Act, by filing with them an authenticated copy thereof; and to take such other steps as may be necessary to obtain the Land Scrip to which the State of Tennessee is entitled, under the provisions of the Act of Congress referred to in the foregoing section; and such scrip, when obtained, shall be held by the Governor, for the use of the State, until it is disposed of as hereinafter provided. Governor to notify U. S. authorities.

SEC. 3. *Be it further enacted*, That the Governor, Secretary and Comptroller of the State, be, and they are, hereby authorized and requested to receive, sell, and the Secretary of State shall assign, at such time, and upon such terms, as they may deem best for the interests of Tennessee, or as the Legislature may hereafter, by law, direct, the whole or any part of the scrip or land warrants issued, or to be issued, to this State, by virtue of the Act of Congress referred to in the first section of this Act. Scrip, how received and disposed of.

SEC. 4. *Be it further enacted*, That the proceeds of the sale or sales aforesaid, shall be invested in six per cent. interest-bearing bonds of this State; the principal of which bonds shall be forever held sacred for the purposes directed in the Act of Congress aforesaid; and the interest thereof, shall be paid over semi-annually, on the first day of July, and on the first day of January, of each year, as directed by law. How proceeds invested.

SEC. 5. *Be it further enacted*, That the Governor, Secretary of State, and Comptroller, may perform and discharge any of the acts, trusts or duties, authorized, directed or conferred herein, by any agent or agents by Agents.

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them selected and appointed. For all costs and expenses
Expenses. incurred in carrying into effect the provisions of this Act, upon the Governor's certificate thereof, the Comptroller is directed to draw his warrant therefor, upon the Treasurer, who will pay the same.

SEC. 6. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 1, 1868.

CHAPTER XLII.

AN ACT to Amend Chapter 8, Title 8, Part III, of the Code.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any abstract or examination
Shelby County property. of title to any real property, in Shelby County, Tennessee, made by the Memphis Abstract Company, and signed by the President or Secretary, with the corporate seal of said company thereto attached, shall be received as *prima facie* evidence by all judicial tribunals, or courts of law or equity, in the State of Tennessee.

SEC. 2. *Be it further enacted*, That such evidence shall receive the same credit, and have the same weight and
Evidence. effect, as certified copies of the original records from which such abstracts or examinations of title shall be compiled, subject, nevertheless, to be rebutted or disproved by any other competent evidence.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 3, 1868.

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CHAPTER XLIII.

AN ACT to Remunerate certain Tax-Payers.

WHEREAS, An Act to amend the Revenue Laws of the State, passed May 24th, 1865, was, on the 25th of May, 1866, so amended as to fix the tax on sales of land, and town lots, or parts of lots, at one mill on the dollar, instead of one cent per acre on sales of land, and five dollars each, on sales of lots, or parts of lots; and, Preamble.

Whereas, Some of the revenue officers, where the mail service was deficient, and without knowledge of the existence of said amendment of May 25th, 1866, collected money as State revenue, contrary to law, and paid the same into the State Treasury; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where Clerks or Registers have collected taxes, on sales of land, or town lots, or parts of lots; or taxes on license to doctors, or lawyers, contrary to said Act of May 25th, 1866, it shall be the duty of such Clerk or Register, to certify a copy of the record in his office, giving the date of said transaction, and the amount unlawfully collected; which, upon application of the complaining party, shall be officially recognized as the genuine certificate and signature of said officer, by the Circuit Court Clerk of the county in which such wrong was done. Act of May 25, 1866.

SEC. 2. *Be it further enacted*, That, after obtaining a certificate, as directed in the first section of this Act, said party may, by himself or agent, present the same to the Comptroller, who shall audit the same to the Treasurer for payment. Comptroller and Treasurer.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 5, 1868.

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CHAPTER XLIV.

AN ACT to Amend the Code of Tennessee.

Judge to change venue, on oaths.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections 2836, 2837, 2838, and 2839, of the Code of Tennessee, be so amended, that it shall be the duty of the Judges of the Circuit Courts of this State, to change the venue in all civil actions, on the plaintiff or defendant making affidavit, under oath, supported by the affidavits of two loyal citizens of the county where the suit may be pending, that they have been loyal to the Government of the United States during the Rebellion; and that they do not believe that the party to the suit can get justice in the county where the case is pending.

Where to.

SEC. 2. *Be it further enacted*, That on such affidavits being made, it shall be the duty of the presiding Judge to order the change of venue to the nearest adjoining county, free from the like exceptions, either in the Judicial Circuit, or adjoining the same; *Provided*, That such change of venue shall be made to the county named in the sworn affidavit of the party making such application for such change of venue.

SEC. 3. *Be it further enacted*, That this Act take effect, and be in force from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 13, 1868.

CHAPTER XLV.

AN ACT to Provide for an Attorney-General, for the County of Sumner.

Sixth Solicitorial District.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County of Sumner shall be attached to the Sixth Solicitorial District, and the Attorney-General for that district, shall attend the Circuit Courts for said county, and discharge the duties appertaining to his office.

SEC. 2. *Be it further enacted*, That the Circuit Court,

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for said county of Sumner, shall be held by the Chancellor of the division, as now provided by law.

Causes.

SEC. 3. *Be it further enacted*, That the causes carried to the Supreme Court, from said county, shall be docketed and heard with the business of the Sixth Circuit.

Circuit Court at Smithville.

SEC. 4. *Be it further enacted*, That hereafter, the Circuit Courts shall be holden as herein prescribed—at Smithville, in DeKalb County, on the fourth Mondays in January, May, and September.

Sumner county.

SEC. 5. *Be it further enacted*, That the time of holding the Circuit Court, in the county of Sumner, shall be on the third Mondays in February, June, and October.

Carroll county.

SEC. 6. *Be it further enacted*, That the county of Carroll be, and the same is hereby, attached to the Fifth Chancery Division.

Chancery Court at Jackson.

SEC. 7. *Be it further enacted*, That hereafter, the Chancery Court, at Jackson, Tennessee, shall be held on the first Monday of March, and on the first Wednesday after the second Monday in August, in every year.

Lawrenceburg.

SEC. 8. *Be it further enacted*, That, from and after the passage of this Act, the Chancery Court shall be holden in the Town of Lawrenceburg, in the county of Lawrence, on the fourth Mondays of February and August; and that all process now made returnable to said Court, on the first Mondays of February and August, are hereby made returnable to the Court at the time fixed by this Act.

Judge of the 9th Judicial Circuit.

SEC. 9. *Be it further enacted*, That the Judge of the Ninth Judicial Circuit, shall hold the Chancery Court at Franklin, and have all the powers of a Chancellor; and also hold the Circuit Court for the county of Williamson; and that the Courts for said county be held at the time now fixed by law.

SEC. 10. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 19, 1868.

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CHAPTER XLVI.

AN ACT to Change the Place of Holding the Supreme Court for the Western Division of the State.

To be held at Brownsville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter, the place of holding the Supreme Court for the Western Division of the State of Tennessee, shall be at Brownsville, in Haywood County, on the first Monday in April of each year.

Clerk to remove papers and property.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Clerk of said Court to remove from Jackson, Tennessee, immediately, to the Town of Brownsville, all the records, transcripts, and other papers, belonging to said Court; also, all moveable furniture, belonging to the State; and that the county of Haywood pay the expenses incident to the removal of said property.

Appeals, etc., transferred.

SEC. 3. *Be it further enacted*, That all writs of error, appeals, and appeals in the nature of writs of error, which have been already taken to said Court, or to Jackson, Tennessee, shall be, and are hereby, transferred to Brownsville, Tennessee; and shall be as effectual, to all intents and purposes, as if the same had been made returnable to Brownsville.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 21, 1868.

CHAPTER XLVII.

AN ACT to Create the Office of County Judge, for Lincoln County; and for other purposes.

Term of office.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be elected by the qualified voters of Lincoln, Hamilton, Franklin, Lawrence and Giles counties, a person, to be styled the County Judge, who shall hold his office for the term of eight years from the date of his commission.

Election.

SEC. 2. *Be it further enacted*, That the first election for County Judge shall be held at the same places, and by the same officers, that other county elections are, on the

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third Saturday of March, 1868; and under the same rules and regulations that are prescribed for other county elections. All subsequent elections, (except for vacancies, which shall be held whenever they occur, upon giving twenty days' notice,) shall be held on the third Saturday in March, every eight years thereafter. When to be held.

SEC. 3. *Be it further enacted*, That the County Judge shall be commissioned in the same manner as other Judges of the State; and, before entering upon the duties of the office, he shall take an oath to support the Constitution of the United States, and the Constitution of the State of Tennessee, and the oath prescribed in the third section of the Franchise Act, of February 25th, 1867; and an oath faithfully to discharge the duties of said office. Commission, Oath, etc.

SEC. 4. *Be it further enacted*, That the Quorum Court, of said counties, are hereby abolished; and the Judge shall have, and exercise, all the jurisdiction and powers now belonging to said Quorum Courts. He shall preside over the County Court, at its quarterly sessions, which shall be held as heretofore; and shall have, and exercise, the same powers, jurisdiction and authority, which now belong, or are exercised by, the Chairman of the County Court; and shall perform the same duties as are required by said Chairman, either in or out of said County Court, whether in session or not. Judge's duties.

SEC. 5. *Be it further enacted*, That the County Court, to be held by the County Judge, shall hold its regular sessions on the first Monday of each month; *Provided*, That on the Mondays of the quarterly sessions of the county, all the business requiring the presence of all or any of the Justices of the county, shall be first disposed of; after which, the County Judge shall dispose of such other business before the Court, or by the provisions of this Act is directed to be attended to by him; and said Court shall sit, from day to day, so long as the business thereof may require, and shall have power to keep order, by imposing such fines as will effect that purpose. County Court, when to be held.

SEC. 6. *Be it further enacted*, That all the jurisdiction and power of the present County Court, over administrators, executors, guardians, wards, trustees, wills, dower, and partition sales or divisions of lands, and of all testamentary and administration matters, or subjects, connected therewith, and questions of lunacy, are abolished, and the same is hereby transferred and given to the County Court, to be held by the County Judge, who shall have all jurisdiction, power and authority, now exercised or possessed by the County Court over all these questions, and other jurisdiction, power and authority over all those Powers of present County Court abolished.

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subjects which may be necessary and proper in the exercise thereof; *Provided*, That either party may have the right of appeal from any judgment, order or decree, or action of said County Judge, as is allowed by the laws of this State in other cases.

Appeals.

County Clerk.

SEC. 7. *Be it further enacted*, That the County Clerk shall be, and continue, the Clerk of the County Court, to be held by the County Judge; and shall have all the powers, authority and jurisdiction now possessed by him.

General duties of County Judge.

SEC. 8. *Be it further enacted*, That the County Judge shall be the accounting officer and general agent of the county; and as such, shall have power, and it shall be his duty: 1st, To have the care and custody of all the county property, except such as is by law placed in the custody of other officers; 2nd, To control all books, papers and instruments, pertaining to his office; 3rd, To audit all claims for money against the county; 4th, To draw all warrants on the County Treasurer; 5th, To audit and settle the accounts of the County Trustee, and those of any other collector, or receiver, of county revenue, taxes, or income, payable into the county treasury; and those of any other person entrusted to receive or expend any money of the county; and to require said officer, or person, to render and settle their accounts, as directed by law, or the authority under which they may act; 6th, To enter in a book, to be known as the "Warrant Book," in the order of issuance, the number, date, amount, and name of the drawer of each warrant upon the treasury; 7th, To keep, in a suitable book, an account of the receipts and expenditures of the county, in such a manner as to show clearly the assets of the county, and the debts payable to, and by its balancing said accounts annually; and to generally superintend the financial concerns of the county; 8th, That no money shall be drawn out of the county treasury, except upon a warrant issued by the County Judge.

Same.

Salary, etc.

SEC. 9. *Be it further enacted*, That the County Judge shall receive the sum of five hundred dollars, per annum, for his services; and the Quarterly Court, of said county, is hereby authorized to make additional compensation to the County Judge of said county, if they shall think it necessary, by appropriation for that purpose, to such an amount as said Quarterly Court may deem right; and said Judge shall be paid his compensation, quarterly, out of the county treasury, upon the Judge's own warrant.

Clerk to keep a docket.

SEC. 10. *Be it further enacted*, That, hereafter, it shall be the duty of the Clerk of the County Court, to keep a docket of all the cases to be tried in said Court, as are now kept by the Clerks of the Circuit Courts.

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Suits, how tried.

SEC. 11. *Be it further enacted*, That it shall be the duty of the Clerk of said Court, to enter upon said docket, all suits, motions, or actions, that may come before said Court for trial; and that no suit, motion, or action, before said Court, shall be tried, except it appear on said docket; and all suits, motions, and actions, shall be tried in the order they appear on said docket.

Agent or Attorney.

SEC. 12. *Be it further enacted*, That the County Judge shall have power, at any time, whether in term or vacation, to appoint an agent, or attorney, to take care of the public property; and that he may allow and pay a reasonable compensation for their services; and, that when he audits claims, he shall issue his warrant upon the Trustee for the same, in the manner laid down in the 8th section of this Act.

Judge, *pro tem.*

SEC. 13. *Be it further enacted*, That whenever it shall so happen, from sickness or other cause, that the County Judge is unable to attend his Court, then the Governor shall appoint some suitable person to hold said Court, until the disability is removed.

Com'r of Reg-ist'n to hold first election.

SEC. 14. *Be it further enacted*, That the first election to be held under this Act, in the counties of Lincoln and Franklin, shall be held by the Commissioner of Registration for said counties.

Justice of Peace for Gallatin.

SEC. 15. *Be it further enacted*, That an additional Justice of the Peace shall be elected by the qualified voters, within the corporation of the Town of Gallatin, Sumner County, who shall have his office in the Town of Gallatin; and the Commissioner of Registration, for said county, is hereby authorized and empowered to open and hold an election for said Justice of the Peace, by giving such notice as is now required by law.

County Judge for Sullivan.

SEC. 16. *Be it further enacted*, That the office of County Judge is hereby created and established, for the County of Sullivan, whose term of office shall continue for the term of eight years, from the date of his election, as hereinafter provided for; and who shall be elected by the qualified voters of said county; the election to take place under the rules and regulations prescribed by law for conducting elections in this State, on the second Saturday of March, 1868.

Eligibility to office of Judge.

SEC. 17. *Be it further enacted*, That no person shall be eligible to said office of Judge, unless he shall have been a *bona fide* citizen of said county for the period of three years at the time of his election, and shall always have been an unconditional Union man, within the purview of the Franchise Law of the State; and he shall be required to comply with all and every provision of the Franchise Law, regulating elections, and imposing

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conditions upon candidates; and he shall be thirty years of age, and learned in the law.

Oath, Commission, etc.

SEC. 18. *Be it further enacted*, That said Judge, upon entering upon the discharge of the duties of said office, shall take and subscribe all the oaths now prescribed by law for Circuit and Chancery Judges of this State. He shall be commissioned by the Governor; and shall be required to do and perform all acts and duties now imposed by law on the Quorum Court of said county, and shall preside in and over the County Court, of said county, at all its regular or called meetings.

Compensation.

SEC. 19. *Be it further enacted*, That said Judge, elected under the provisions of this Act, shall receive as a compensation for his services, the sum of five dollars per day for each and every day he may preside in said Court, and such other sum as the Justices of said county may deem proper to appropriate out of the county revenue of said county.

Wilson County.

SEC. 20. *Be it further enacted*, That the general provisions of this Act be extended to Wilson County; and that all laws, and parts of laws, in conflict with the provisions of this Act, be, and they are hereby, repealed; and that this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 25, 1868.

CHAPTER XLVIII.

AN ACT to Define the Powers and Duties of State Directors, in the Railroad Companies of this State.

Railroad companies to report to Governor.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the different railroad companies of this State, where roads are completed, and in running order, on or before the first of January, 1869, to report to the Governor the whole amount of the cost of their respective roads; the amount of State aid received by each road, and the number of Company Directors in each Board; also the amount of stock and State aid taken by the State in each road.

SEC. 2. *Be it further enacted*, That the Governor shall appoint, for each unfinished road in this State, when the company shall have received, or secured the aid of the

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State; and for each company whose road may not yet be commenced or located, the Governor shall appoint a number of State Directors, equal to the whole number of Company Directors; and it shall be the duty of the State Directors, appointed under this section, to aid in the location of any road not yet commenced, or in the change of location of any unfinished portion of any road which may have been commenced, which may be deemed desirable and proper. Governor to appoint Directors.

SEC. 3. *Be it further enacted*, That each State Director, appointed under the provisions of this Act, shall faithfully attend all meetings of the Board, of which they are members; and in all matters brought before said Board, to represent the interest of the State, and the people of the State; to see that the law is complied with before State bonds are called for, and to see that such bonds are used and applied strictly according to law; and to assist, and demand of said Boards, that the interest on all bonds, loaned or indorsed, by the State, shall be punctually paid. And they shall each take and subscribe an oath of office, for the faithful performance of their duties, herein imposed, which shall be filed in the office of the Secretary of State. Duties of State Directors. Oaths.

SEC. 4. *Be it further enacted*, That five of said State Directors may, whenever they see proper, call a meeting of directors, or stockholders, of their company, by such notice as is provided by the charter or by-laws of said company. That the Board of Directors shall have power, at any time, to change their officers; and that no railroad company shall be entitled to any further State aid, until the company fully admit the State Directors to all the rights and privileges of Company Directors. Meetings. State aid.

SEC. 5. *Be it further enacted*, That all State Directors, appointed by the Governor, shall be eligible to hold any office in any railroad company, or to cast his vote in any and all elections, in said company, whether he be a stockholder or not. May hold office.

SEC. 6. *Be it further enacted*, That all laws in conflict with this Act, be, and the same are hereby, repealed. Repealed.

SEC. 7. *Be it further enacted*, That said Directors on the part of the State, shall be paid for their services such compensation, by the companies, as the President and Directors may fix or establish. Compensation.

SEC. 8. *Be it further enacted*, That it shall be the duty of the State Directors, in any railroad company which is in course of construction, before any bonds shall be issued to said company, to make, and file with the Secretary of State, a sworn statement that the company has complied with the provisions of the general internal To make statement.

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improvement laws of this State; and the Governor shall not issue any bonds to any railroad company, until such sworn statement is filed.

Commissioner.

SEC. 9. *Be it further enacted*, That all laws creating the office of Road Commissioner, be, and the same are hereby, repealed.

SEC. 10. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 25, 1868.

CHAPTER XLIX.

AN ACT to Repeal a portion of An Act passed November 26th, 1867.

Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed November 26th, 1867, creating a Judicial Criminal District, in the counties of Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Cocke, Jefferson, Grainger, and Claiborne, be, and the same is hereby, repealed, so far as it relates to the counties of Jefferson, Grainger, Cocke, and Claiborne.

Criminal Court of Sullivan.

SEC. 2. *Be it further enacted*, That the Criminal Court, for the county of Sullivan, shall be holden on the second Mondays of January, May, and September.

Election for Criminal Judge.

SEC. 3. *Be it further enacted*, That the Sheriffs of the respective counties, hereinafter mentioned, be, and they are hereby, authorized and directed, to open and hold an election, at the usual places of holding elections in said counties, for the purpose of electing a Judge for the Criminal District, composed of the counties of Johnson, Carter, Sullivan, Washington, Greene, Hawkins, and Hancock, on the third Thursday in April, 1868.

Repeal.

SEC. 4. *Be it further enacted*, That all laws, and parts of laws, conflicting with this Act, be, and the same are hereby, repealed; and that this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 25, 1868.

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CHAPTER L.

AN ACT to Protect Mechanics.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every architect, mechanic, or other person, who shall do, or perform any work, or labor upon, or furnish any materials, fixtures, engines, boilers or machinery, for any building, erection or improvements, upon land, or for repairing the same, under or by virtue of any contract with the owner or proprietor thereof, or his lawful agent, trustee, contractor. or sub-contractor, upon complying with the provisions of this Chapter, shall have for his work, or labor done, or materials, fixtures, engine, boiler or machinery furnished, a lien upon such building, erection or improvement, and upon the land belonging to such owner or proprietor, on which the same are situated, to the extent of one acre; or, if such building, erection or improvements be upon any lot of land, in any town, city or village, then such lien shall be upon such building, erection or improvements, and the lot or land upon which the same are situated, to secure the payment for such work or labor done, or materials, fixtures, engine, boiler or machinery furnished, as aforesaid.

Lien for articles furnished, or work done, on land.

SEC. 2. *Be it further enacted*, That the entire land, to the extent aforesaid, upon which any such building, erection or improvement is situated, including, as well, that part of said land which is not covered with any such building, erection or other improvements, as that part thereof, which is covered with the same, shall be subject to all liens created by this Chapter, to the extent, and only to the extent, of all the right, title and interest, owned therein by the owner or proprietor of such building, erection or improvement, for whose immediate use or benefit the labor was done, or materials were furnished.

Only for materials or labor.

SEC. 3. *Be it further enacted*, That the lien for the materials aforesaid, or work, shall attach to the building, erection or improvement, for which they were furnished, or the work was done, in preference to any prior lien, or incumbrance, or mortgage upon the land upon which said buildings, erections or improvements, or machinery, have been erected or put; and any person enforcing such lien, may have such buildings, erections, or other improvements, sold under execution; and the purchaser may remove the same after a reasonable time thereafter; *Provided*, nothing in this Act shall affect

Prior liens.

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Provisos.

the rights of vendors, mortgagees or lessors, as they now exist by law; and, *Provided, also*, That the owner of the soil or person having the work done, shall, in no event, be liable to sub-contractors, employés, or persons furnishing materials or machinery, in costs or otherwise, for more than he contracted for with his contractor.

Leased lots.

SEC. 4. *Be it further enacted*, That every building, or other improvements, erected, or materials furnished, according to the provisions of this Chapter, on leased lots or lands, shall be held for the debt contracted for, or on account of the same; and also the leasehold term for such lot and land on which the same is erected; and in case the lessee shall have forfeited his lease, the purchaser of the building and leasehold term, or so much thereof as remains unexpired under the provisions of this Chapter, shall be held to be the assignees of such leasehold term; and, as such, shall be entitled to pay up to the lessor, all arrears of rent, or other money, interest and costs, due under said lease, unless the lessor shall have regained possession of the leasehold land, or obtained judgment for the possession thereof, on account of the non-compliance by the lessee with the terms of the lease, prior to the commencement of the improvements thereon; in which case, the purchaser of the improvements, under this chapter, shall have the right only to remove the improvements, within sixty days after he shall have purchased the same, and the owner of the ground shall have received the rent due him, payable out of the proceeds of the sale, according to the term, down to the time of removing the building.

May remove improvements.

Contractor to file account with County Register.

SEC. 5. *Be it further enacted*, That it shall be the duty of every original contractor, within ninety days after the indebtedness shall have accrued, to file with the Register of the proper county, a just and true account of the demand due him or them, after all just credits have been given, which is to be a lien upon such building, or other improvements, and a true description of the property, or so near as to identify the same, upon which the lien is intended to apply, with the name of the owner or contractor, or both, if known to the person filing the lien, which shall, in all cases, be verified by the oath of himself, or some credible person for him; *Provided*, That journeymen, and day-laborers, who desire to avail themselves of the provisions of this Act, shall, within five days after thirty days from the time they commenced work; or persons furnishing materials, or machinery, who desire to avail themselves of the provisions of this Act, shall, within five days after thirty days from the time they commenced furnishing materials, or machinery, give

Journeyman to give notice.

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notice, in writing, of such intention to avail themselves of this Act; and upon such notice being given, in writing, such journeymen, day-laborers, and persons furnishing materials, or machinery, shall be entitled to the benefits of this Act; and, *Provided*, That nothing in this Act shall be construed to prevent giving notice as now required by law; and in such case, the party giving notice as now provided by law, shall be entitled to the liens now given by law in such cases. Proviso.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Clerk of the Court, wherein a lien shall be filed, to indorse upon every account the date of its filing, and make an abstract thereof in a book, by him to be kept for that purpose, and properly indorsed and indexed, containing the date of its filing, the name of the person seeking to enforce the lien, the amount claimed, the name of the person against whose property the lien is filed, and a description of the property charged with the same; for all which, the Clerk shall receive, as full compensation, the sum of one dollar, from the person filing the account, or seeking to enforce the lien, which shall be taxed and collected as other costs, in case there should be an action brought thereon. Clerk of Court to keep book.

SEC. 7. *Be it further enacted*, That the lien for work and materials, as aforesaid, shall be preferred to all other incumbrances which may be attached to, or upon such buildings, bridges, or other improvements, or the ground, or either of them, subsequent to the commencement of such buildings, or improvements. Preference to all other liens.

SEC. 8. *Be it further enacted*, That the pleadings, practice, process, and other proceedings, in cases arising under this Chapter, shall be the same as in ordinary civil proceedings and actions in said Court, as herein otherwise provided. The petition, among other things, shall allege the facts necessary for securing a lien under this Chapter, and a description of the property charged therewith. How to prosecute claim for lien.

SEC. 9. *Be it further enacted*, That, in all suits under this Chapter, the parties to the contract shall notify all other persons interested in the matter in controversy, and in the property charged with the lien, may be made parties; but, such as are not made parties to the suit, shall not be bound by any such proceedings. Parties to contract to give notice.

SEC. 10. *Be it further enacted*, That in case of the death of any of the parties specified in the immediately preceding section, whether before or after suit brought, the executor or administrator of such deceased party, shall be made plaintiff or defendant, as the case may require; and it shall not be necessary to make the heirs, Death of parties.

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or devises of such deceased persons, parties to said suit; but if there is no executor or administrator of such deceased person, then his heirs or devisees may be made parties to said suit; and if any of said heirs or devisees are minors, under the age of twenty-one years, their guardians shall be made parties with them; but if such minors shall have no guardians, the Court in which the suit is pending, shall appoint guardians *ad litem* for them, in the same manner, and under the same rules and regulations as guardians *ad litem* are appointed in proceedings of such Court for partition of real estate; and the judgment and proceedings of such Court, in any such suits, shall be as binding on such minors as if they were the age of twenty-one years.

Minors.

How to be tried.

SEC. 11. *Be it further enacted*, That the Court shall ascertain, by a fair trial, in the usual way, the amount of the indebtedness for which the lien is prosecuted; and may render judgment therefor in any amount not exceeding the amount claimed in the demand filed with the lien, together with interests and costs, although the creditor may have unintentionally failed to enter the full amounts of credits, in his account filed, to which the debtor may be entitled.

Judgment by default.

SEC. 12. *Be it further enacted*, That judgment by default, shall be rendered against every defendant, who, after being summoned or notified, according to law, shall not appear, and plead or answer, within the time allowed by law in ordinary civil actions.

Failure of debtor to appear.

SEC. 13. *Be it further enacted*, That when the debtor has not been served with summons, according to law, and has not appeared, but has been lawfully notified, by publication, the judgment, if for plaintiff, shall be, that he recover the amount of the indebtedness found to be due, and costs of suit; to be levied out of the property charged with the lien therefor, which said property shall be properly described in said judgment.

When debtor appears.

SEC. 14. *Be it further enacted*, That when the debtor has been summoned, according to law, and appears to the action without service, the judgment, if for plaintiff, shall be against such debtor, as in ordinary cases, with the addition that, if no sufficient property of the debtor can be found to satisfy such judgment, and costs of suit, then the residue thereof be levied as provided in the next succeeding section.

Fieri facias.

SEC. 15. *Be it further enacted*, That the execution to be issued, shall be a special *fieri facias*, and shall be in conformity with the judgment; and such writ shall be returnable as ordinary executions; and the advertisements, sale, and conveyance of real estate, or personal,

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under the same, shall be made as under ordinary executions.

Length of time allowed.

SEC. 16. *Be it further enacted*, That all actions, under this Chapter, shall be commenced within ninety days after filing the lien, and prosecuted without unnecessary delay, to final judgment; and no lien shall continue to exist by virtue of the provisions of this Chapter, for more than ninety days after the lien shall be filed, unless within that time an action shall be instituted thereon, as hereinafter prescribed.

Satisfaction of lien.

SEC. 17. *Be it further enacted*, That whenever any debt, which is a lien upon any building, or other improvement, shall be paid and satisfied, the creditor, if required, shall acknowledge such satisfaction upon the record, or the margin thereof, in the office of the Clerk of the Court where said claim shall have been entered, for which said clerk shall be allowed a fee of twenty-five cents.

Refusal.

SEC. 18. *Be it further enacted*, That if any creditor refuse to enter satisfaction within ten days after payment, and request, as aforesaid, he shall be liable to any person injured, to the amount of such injury and costs of suit.

Notice.

SEC. 19. *Be it further enacted*, That every person, except the original contractor, who may wish to avail himself of the benefits of the provisions of this Chapter, shall give ten days' notice, before the filing of the lien, as herein required, to the owner, owners, or agents, or either of them, that he or they hold a claim against such building, or improvements, setting forth the amount, and from whom the same is due.

Contractor to defend.

SEC. 20. *Be it further enacted*, That in all cases where a lien shall be filed under the provisions of this Chapter, by any person other than a contractor, it shall be the duty of the contractor to defend any action brought thereupon, at his own expense; and, during the pending of such action, the owner may withhold from the contractor, the amount of money for which said lien may be filed; and in case of judgment against the owner, or his property, upon the lien, he shall be entitled to deduct from any amount due by him, to the contractor, the amount of such judgments and costs; and if he shall have settled with the contractor in full, shall be entitled to recover back from the contractor any amount so paid by the owner, for which the contractor was originally the party liable.

SEC. 21. *Be it further enacted*, That every person, including all *cesti que trusts*, for whose immediate use, enjoyment, or benefit, any building, erection, or improvement, shall be made, shall be included by the words

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Owner, or Proprietor.

"owner," or "proprietor," thereof, under this Chapter, not excepting such as may be minors, over the age of eighteen years, or married women.

Lien to be paid *pro rata*.

SEC. 22. *Be it further enacted*, That the liens for work and labor done, or things furnished, as specified in this Chapter, shall be upon an equal footing, without reference to the date of filing the account or lien; and, in all cases where a sale shall be ordered, and the property sold, which may be described in any account or lien, the proceeds arising from such sale, when not sufficient to discharge, in full, all the liens against the same, without reference to the date of filing the account or lien, shall be paid *pro rata* on the respective liens; *Provided*, such account, or lien, shall have been filed, and suit brought as provided by this Chapter.

Purchase of materials.

SEC. 23. *Be it further enacted*, That any contractor, or sub-contractor, who shall purchase materials on credit, and represent at the time of said purchase that the same are to be used in a designated building, or other improvements, and shall thereafter use, or cause to be used, the said materials in the construction of any building, or improvement, other than that designated, with intent to defraud the person from whom the materials were so purchased, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine not exceeding five hundred dollars.

Personal property.

SEC. 24. *Be it further enacted*, That any person who shall make, alter, or repair, or bestow labor or any article of personal property, at the request of the owner, shall have a lien on such property, so made, altered, or repaired, or upon which labor has been bestowed, for his just and reasonable charges, for the labor he has performed, and materials he has furnished; and such person may hold and retain possession of the same until such just and reasonable charges shall be paid; and, if they be not paid within three months after the labor shall

May sell.

have been performed, or the materials furnished, such persons having such lien, may proceed to sell the property by him so made, altered, or repaired, or upon which labor has been bestowed, at public auction, by giving public notice of such sale, by advertisement, for three weeks, in some newspaper published in the county; or, if there be no such paper in the county, then by posting up notice of such sale in three of the most public places

Proceeds.

in the county, three weeks before the time of sale; and the proceeds of such sale shall be applied, first, to the discharge of such lien, and the costs and expenses of keeping and selling such property; and the remainder, if any, shall be paid over to the owner thereof. The provisions of this, and the following section, not to inter-

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fere with any special agreement of parties. And in no case shall an action of replevin be brought to recover possession of personal property mentioned in this and the succeeding section of this Act, until the money actually due, be tendered; and the plaintiff, in the action of of replevin, shall bring into Court, and before the Justice of the Peace, and file with the Clerk, or Justice, said money thus tendered, which shall be held by said Clerk, or Justice, until the decision of the case, or until the defendant see proper to receive it in discharge of his claim to the property replevied. Replevin.

SEC. 25. *Be it further enacted*, That any person, who is a common carrier, and any person who shall, at the request of the owner or lawful possessor of any personal property, carry, convey, or transport the same, from one place to another; and any person who shall safely keep, or store any personal property, at the request of the owner, or lawful possessor thereof, shall have the same lien, and the same power of sale, for the satisfaction of his reasonable charges, upon the same conditions and restrictions as provided in the preceding sections. Common carrier to have lien.

SEC. 26. *Be it further enacted*, That all Acts, or parts of Acts, conflicting with the provisions of this Act, are hereby repealed. Repealed.

SEC. 27. *Be it further enacted*, That this Act shall take effect thirty days after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 25, 1868.

CHAPTER LI.

AN ACT to Provide for Holding Elections, by Commissioners of Registration.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Commissioner of Registration of voters, to hold all elections, now required by law to be held by Sheriffs, and that for that purpose, he shall have all the powers and rights that Sheriffs now possess, and be subject to like responsibilities and liabilities; and have fifty dollars per annum for his compensation, as is now allowed by law Powers, etc

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to Sheriffs for similar services—all to be paid out of the County Treasury.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 26, 1868.

CHAPTER LII.

AN ACT to Legalize the acts of the Governor; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor of the State be authorized, and is hereby fully empowered, to set aside the registration of any county in this State, or any part thereof, of said registration, where it shall be made to appear to the satisfaction of the Governor, that frauds and irregularities have intervened in the registration of voters in such county. The Governor shall make known such fact, and set aside said part, or whole of said registration, where frauds are shown to have been committed, by proclamation.

May set aside Registration.

SEC. 2. *Be it further enacted*, That all acts of the Governor, declaring registrations in the different counties of this State, by proclamation, null and void, and removing the Registers of said counties, and appointing others, are hereby legalized, and full power given the Governor to remove County Commissioners of Registration, for dereliction of duty, frauds or irregularities; and the appointment of other Commissioners of Registration is hereby confirmed, together with all other acts done by him under the Registration Law, passed March 8th, 1867, whether said Act, known as "An Act to amend section 2114, article 2, chapter 4, of the Code of Tennessee, and for other purposes," justified the Governor in his action or not.

May remove Register, etc.

SEC. 3. *Be it further enacted*, That any person violating the provisions of the above sections, by voting, or attempting to vote, by virtue of a certificate issued from a registration thus declared null and void, shall be guilty

Penalty for violation.

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of a misdemeanor, and, upon conviction, be fined not less than fifty, nor exceeding one hundred dollars; *Provided*, That when any Comissioner of Registration shall fail to appoint the necessary officers to hold any election, required in the Franchise Law, when there is a qualified number in any Election District, shall be guilty of a misdemeanor, and shall be subject to indictment. Failure to hold election.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 26, 1868.

CHAPTER LIII.

AN ACT to Change and Fix the Time of Electing Representatives to the Congress of the United States from the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the next election of Representatives to the Congress of the United States from the State of Tennessee, shall be on the Tuesday next after the first Monday in November, 1868, and on the first Tuesday after the first Monday in November, every second year thereafter. November of every two years.

SEC. 2. *Be it further enacted*, That said election shall be held at the different places in the Cities and Counties, as now provided by law, in this State, and according to the Constitution and existing laws governing elections in this State, so far as applicable; and the returning officers shall make their returns in the manner, and to the persons, as now provided by law. How held.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 28, 1868.

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CHAPTER LIV.

AN ACT to Amend An Act, entitled "An Act to Create an additional number of Justices of the Peace, and Notaries Public, for the City of Memphis, in the County of Shelby; and for other purposes."

7th and 8th sections.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the seventh and eighth sections of An Act, passed March 9th, 1867, entitled "An Act to create an additional number of Justices of the Peace," &c., be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 5, 1868.

CHAPTER LV.

AN ACT to Abolish the Office of Supervisor of Banks.

Secretary of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws and parts of laws, creating the office of Supervisor of Banks, in this State, be, and the same are hereby, repealed; and that the duties pertaining to said office, be, and the same are hereby, conferred upon the office of Secretary of State; *Provided*, the Secretary shall receive no additional compensation.

SEC. 2. *Be it further enacted*, That this Act take effect and be in force from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 9, 1868.

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CHAPTER LVI.

AN ACT to Repeal all Laws of the State requiring the inspection of Spirituous and Malt Liquors.

WHEREAS, All spirituous or alcoholic liquors, manufactured in this State, or imported from any where else, are required by the laws of the United States to be inspected, guaged and marked, by inspectors appointed under and in pursuance of United States laws; and, Preamble.

Whereas, It is unnecessary to have State inspectors to inspect such liquors as have been, or may be inspected by United States officers, as aforesaid; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws and parts of laws, requiring the inspection of spirituous and malt liquors, by any person appointed by authority of, or in pursuance of, any law of this State, be, and the same are hereby, repealed; *Provided*, That nothing herein contained shall be so construed, as to authorize the sale of any liquors which has not been properly inspected by some United States inspector, previous to such sale. Proviso.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 9, 1868.

CHAPTER LVII.

AN ACT to Amend Section 4654, of the Code of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 4654 of the Code of Tennessee, be, and the same is hereby, so amended, after the words "corner tree," in the second line, as to insert the words "*stone, stake, or other land, or line mark.*"

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 9, 1868.

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CHAPTER LVIII.

AN ACT to Establish a Board of County Commissioners for the County of Davidson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be, and is hereby, established in and for the County of Davidson, in this State, a Board of County Commissioners, to consist of five members, who shall be qualified voters of this State, and who, previous to their election, shall have been citizens not less than two years, each, to serve for the period of five years, and until his successor is elected and qualified, except only as hereinafter provided. The said Commissioners shall be elected by the qualified voters of said county, in the same manner as other county officers are elected; and the first election for the same shall be held on the first of March, in the year 1868, at which time there shall be elected five Commissioners; one to serve for the period of one year; one to serve for the period of two years; one to serve for the period of three years; one to serve for the period of four years; and one to serve for the period of five years; and annually thereafter, and on the first Saturday of March, there shall be elected one Commissioner, to serve for the period of five years.

To be citizens.

Election, how and when held, etc.

SEC. 2. *Be it further enacted*, That the member of said Board of Commissioners first elected for five years, shall be the President of the Board, till the expiration of his term of service; and, thereafter, the member having the longest term to serve shall be President of the Board; but, in case of the absence of the President, then the member longest in office shall act as President of the Board, *pro tem.;* and the President of said Board shall have, possess and exercise, all the powers and duties heretofore possessed and exercised by the County Judge of said county, as President or Chairman of the County, Quarterly, or Quorum Court, of said county; and the said County Judge is hereby relieved of and from, all the powers and duties heretofore imposed upon and possessed by him, as President or Chairman of the said County, Quarterly, or Quorum Court; but all the other powers and duties heretofore possessed, or exercised by, or required of him, by law, he shall shall continue to execute as heretofore, except so far as the same may be inconsistent with the provisions of this Act.

President.

Powers and duties.

SEC. 3. *Be it further enacted*, That whenever a vacancy shall occur in said Board, the same shall be filled by the remaing members of said Board; but the member, so

Vacancies.

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appointed, shall hold his office only until the next annual election in March, when an election shall be had to fill such vacancy, for the unexpired term.

SEC. 4. *Be it further enacted*, That before any Commissioner, appointed or elected under this Act, shall enter upon the discharge of the duties of his office, he shall give bond with good and sufficient securities, in the sum of twenty thousand dollars—to be approved by any Judge of a Court of Record—conditioned for the faithful performance of his duties as such Commissioner; and shall likewise take and subscribe an oath of office, such as is now required by law of other county officers, before any Judge, Justice of the Peace, or Clerk, authorized by law to administer oaths; the same to be indorsed, in writing, on said bond, and approved; which, together with said oath, shall be filed in and entered on the records of the office of the County Clerk of said county; and, in case any person elected or appointed, as such Commissioner, fail to give bond, and take the oath herein required, before or at the first regular meeting of said Board. after his election, or appointment, his office shall be declared vacant, and his successor appointed by said Board.

To give bond and take oath.

Failure.

SEC. 5. *Be it further enacted*, That the Board of County Commissioners shall hold four sessions annually, at the City of Nashville, at the times now prescribed by law for the holding of the Regular Terms of the Quarterly, or County Court of said county; and they shall [hold] such other stated or special sessions, as the business of the said county shall require. Three members of said Board shall constitute a quorum for the transaction of business, and the Clerk of the County Court of said county, shall be the Recorder of said Board, and shall discharge all the duties in reference thereto, which he is now required to perform as Clerk of the said County, Quarterly, or Quorum Court.

Meetings.

Clerk.

SEC. 6. *Be it further enacted*, That all the powers and duties which are now vested in, and performed by, the County, Quarterly, or Quorum Court, of said county, shall be vested in, and exercised by, said Board of Commissioners; and the said Board of Commissioners shall have and possess, and may exercise, all the powers and authority heretofore conferred by law on the Board of Commissioners of Shelby county, in this State; and the magistrates of the said county of Davidson shall be, and are hereby, relieved from the exercise of all powers, duties and obligations, heretofore belonging to them, as members of the said County, Quarterly, or Quorum Court, after the Commissioners, provided for by this Act, shall have been elected and qualified.

Powers and duties of Commissioners.

Magistrates relieved.

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Contracts.

SEC. 7. *Be it further enacted*, That no member of said Board of Commissioners shall, directly or indirectly, be concerned in any contract for work, or supplies, or material to be furnished for the said county; and any violation of this section shall, in addition to the other penalties provided by law, subject the offender to removal from office.

Appeals.

SEC. 8. *Be it further enacted*, That any person, or party to any matter determined by the said Board of Commissioners, may appeal from the decision of said Board, to the Circuit Court of said county, within ten days after the rendering of said decision.

Compensation.

SEC. 9. *Be it further enacted*, That the compensation of the President of said Board of Commissioners, shall be two thousand dollars per annum; and of the other members of said Board, each fifteen hundred dollars per annum, payable quarterly out of the County Treasury.

SEC. 10. *Be it further enacted*, That this Act shall take effect from and after its passage; and all laws, or parts of laws, conflicting with this Act, are hereby repealed, in so far as they conflict with this Act.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 11, 1868.

CHAPTER LIX.

AN ACT Providing that Title Bonds may be read as Evidence in Actions of Ejectment.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That on trials of actions of ejectment, hereafter, between vendor and vendee, title bonds, properly proved and registered, may be read in evidence, and shall have the same force and effect as a deed between the same parties.

Comptroller, Bills of Cost, etc.

SEC. 2. *Be it further enacted*, That it shall hereafter be lawful for the Comptroller, when auditing bills of cost of State prosecutions, when, in his judgment, it is expedient and proper to do so, to draw his Warrant on the Treasurer, in favor of any of the parties interested in said bills of cost, for the sum due said party; which

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Warrant the Comptroller shall send to the Clerk of the court, whence said bills were sent, and at the same time notify the Clerk that the amount sent is all that was due said party in said bills.

SEC. 3. *Be it further enacted*, That it shall be the duty of said Clerk to deliver said Warrant to the party in whose favor it is drawn, as soon as called for, taking the proper receipt for the same, as now required by law. Clerk.

SEC. 4. *Be it further enacted*, That all laws and parts of laws, in conflict with this Act, be, and they are hereby, repealed; and that this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 6th, 1868.

CHAPTER LX.

AN ACT to Change the Line between the Counties of Shelby and Tipton; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between Shelby and Tipton counties, be so changed, as to place the residence of C. Angle in Tipton County, and the land belonging thereto.

SEC. 2. *Be it further enacted*, That the line between the counties of Hancock and Hawkins, be so changed as to include Wm. Davis' farm in Hawkins County. Hancock and Hawkins.

SEC. 3. *Be it further enacted*, That the county line between Hawkins and Hancock counties, be so altered as to include the tract of land belonging to the heirs of Benegis White, in the County of Hancock. Same.

SEC. 4. *Be it further enacted*, That the county line between the counties of Scott and Campbell, be changed so as to include the lands and residence of Henry Thompson, and the lands and residence formerly owned by Ewel Smith, Riley and Jacob Qeener, now owned by John E. Hudson and Isaac Neal, in the County of Scott. Scott and Campbell.

SEC. 5. *Be it further enacted*, That the county line between the counties of Scott and Fentress, be so chang- Scott and Fentress.

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ed as to include in the county of Scott, the lands and residence of Wesley Buttram.

Humphreys and Perry.

SEC. 6. *Be it further enacted*, That the line between the counties of Humphreys and Perry, be so changed as to include the lands of George Beard in the County of Perry.

Hickman and Perry.

SEC. 7. *Be it further enacted*, That the line of the counties of Hickman and Perry, be so changed as to include the lands of Amos S. Keltan in the County of Perry.

Campbell and Anderson.

SEC. 8. *Be it further enacted*, That the county line between the counties of Campbell and Anderson, be so changed as to include all the farm and lands of William Webb in Campbell County.

Wilson and Rutherford.

SEC. 9. *Be it further enacted*, That the line between the counties of Wilson and Rutherford, be changed as follows: Commencing at or near Robert Black's, near the Cannon county line, running West, so as to include W. J. Witty and J. R. Jennings, until it strikes the Cainsville and Statesville turnpike road, at an abrupt turn, near H. G. John's residence, and running with said pike till it crosses Fall Creek; thence with said creek to the Rutherford County line.

Marshall and Rutherford.

SEC. 10. *Be it further enacted*, That the county line between the counties of Marshall and Rutherford, be so changed as to include the lands belonging to Thomas Burnett, Sarah Johnson, W. A. McCord and John Haily, in Rutherford County.

Haywood and Lauderdale.

SEC. 11. *Be it further enacted*, That the line between the counties of Haywood and Lauderdale, be so changed as to include all the lands of the late Dr. Samuel Oldham in Lauderdale County.

Cannon and Coffee.

SEC. 12. *Be it further enacted*, That the county line between Cannon and Coffee counties, be so changed as to include the S. H. Ford tract of land now owned by A. F. McFerrin, of Cannon County.

Claiborne and Union.

SEC. 13. *Be it further enacted*, That the line between the counties of Claiborne and Union, be so changed as to include the farm and dwelling of Silas Williams in the county of Union. This Act to take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 7, 1868.

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CHAPTER LXI.

AN ACT to Provide for the Correct Publication of the Decisions of the Supreme Court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act, the Clerks of the Supreme Court shall furnish, as now provided by law, copies of the opinions of the Supreme Court; but, before delivering them to the Attorney-General for publication, or to be reported, they shall, after the opinions are thus copied, which copy shall be in a fair and legible handwriting, said Clerks shall submit them to the respective Judges, by whom the particular opinion may be pronounced, who shall examine it; and, if correctly copied, he shall so indorse on it, and return it to said Clerk, who shall then forthwith deliver it, or send it by mail, to the Attorney-General for report and publication, according to law; and if not correctly copied, when thus presented to the Judge, he shall, either on the same, or some other piece of paper, make the correction. When thus corrected, the Clerk shall again transcribe it, or so much as may be necessary, before delivering the same to the Attorney-General.

Clerk to submit copy to Judges.

Judge to correct.

SEC. 2. *Be it further enacted*, That should said Clerks, or either of them, fail or refuse to comply with any of the requirements of the first section of this Act, he shall be guilty of a misdemeanor, and punished accordingly.

Penalty for failure.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 11, 1868.

CHAPTER LXII.

AN ACT to Amend the Registration Laws of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, it shall be the duty of each County Register to procure and keep good and well-bound books, to be called books of trust deeds,

Registers to keep books.

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etc., in which they shall register separately from land titles in the index in which they are filed, all mortgages and deeds of trust on personal property, contracts, leases, powers of attorney, and all other instruments required to be registered, that are no part of, or in no way connected with, the absolute title or conveyance of any real estate, so as to have real estate titles, in books separate and apart from other conveyances.

How to be kept.

SEC. 2. *Be it further enacted*, That the different County Courts, or Trustees, shall pay for all such books procured as aforesaid, as is now done for such County Records; and that this Act shall take effect from and after its passage.

How paid for.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 11, 1868.

CHAPTER LXIII.

AN ACT to Amend Article 2, Chapter 1, Title 4, of the Code of Tennessee, relating to Divorce.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That habitual drunkenness shall be a sufficient cause of divorce from the bonds of matrimony.

SEC. 2. *Be it further enacted*, That this Act shall be in force from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 12, 1868.

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CHAPTER LXIV.

AN ACT to Amend An Act creating a Fourth Chancery Division in this State; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act creating the Fourth Chancery Division in this State, be so amended as to attach the counties of Hickman and Lawrence to said Fourth Division, and that the Courts be held in said Fourth Chancery Division, at the following times and places: First Mondays in February and August, in Lawrenceburg, for the county of Lawrence. Second Mondays in February and August, in Centreville, for the county of Hickman. First Mondays in March and September, in Pulaski, for the county of Giles. Fourth Mondays in March and September, in Columbia, for the county of Maury. Third Mondays in April and October, in Franklin, for the county of Williamson. Second Mondays in May and November, in Lewisburg, for the county of Marshall. Courts, when and where held.

SEC. 2. *Be it further enacted*, That the times of holding the Circuit Court in the Eleventh Judicial Circuit, be changed in the counties of Hickman, Lewis and Lawrence, so as to be held at the following times and places: First Mondays in February, July and November, in Centreville, for the county of Hickman. Second Mondays in February, July and November, in Newburg, for the county of Lewis. Third Mondays in February, June and October, in Lawrenceburg, for the county of Lawrence. 11th Circuit. Courts, when and where held.

SEC. 3. *Be it further enacted*, That all process and precepts now returnable to the regular terms of the Courts in the aforesaid Courts, be returnable to the terms of the Courts as fixed in the first and second sections of this Act; and all laws conflicting with this Act, be, and they are hereby, repealed; and that this Act shall take effect from and after its passage. Process, etc.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 12, 1868.

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CHAPTER LXV.

AN ACT to Create a Board of County Commissioners in the County of Madison.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be established, in the County of Madison, in this State, a Board of Commissioners, to consist of three persons, who, previous to their appointment or election, shall have been residents of said county, not less than one year, each, to serve for the period of three years, and, until his successor is elected and qualified, except only, in case of appointment, as hereinafter provided; one of whom shall be elected by the qualified voters of said county, on the first Saturday of March of each year—the first election to take place in the year A. D., eighteen hundred and sixty-nine, and annually thereafter; and until which election shall take place, the said Commissioners shall be appointed by the Governor of the State, who shall designate in the commissions to be issued to each of said Board, the period at which their terms shall successively expire; the first, to hold from the date of his appointment until the election in March, A. D., eighteen hundred and sixty-nine; the second, until the election in March, eighteen hundred and seventy; the third, until the election in March, eighteen hundred and seventy-one; the last named, to be commissioned as President of said Board, and to hold his office, as such, until the term of his office as Commissioner, shall expire; after which, each member of said Board, shall be the President thereof, from the commencement until the close of the last year of the term of his service.

To be citizens.

Election and appointment.

Terms of office.

SEC. 2. *Be it further enacted*, That, whenever it shall become necessary to fill a vacancy, occasioned by the death, resignation, or removal of any one of said Commissioners, the same shall be filled by appointment of the said Board of Commissioners; but such Commissioner, so appointed, shall hold his office only until the next annual election by the people; and the person elected thereat to fill such vacancy, shall serve until the term of the member whose death, resignation or removal caused such vacancy, shall expire; *Provided*, that in all cases, the member who shall actually have served, or have been elected for the longest period, as a member of said Board, shall be the President.

Vacancies.

Proviso.

SEC. 3. *Be it further enacted*, That, before any Commissioner, appointed or elected under this Act, shall enter upon the duties of his office, he shall give bond, with

Bond.

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good and sufficient securities, in the sum of two thousand dollars, to be approved by any Judge of a court of record, in said county, conditioned for the faithful performance of his duties as such Commissioner; and shall likewise, take and subscribe an oath of office, such as is now required by law for other county officers, before any Justice, Judge, or Clerk, now authorized to administer oaths; and the same shall be indorsed upon the said bond, which bond and approval of the same by the Court, together with the oath, shall be filed and entered upon the records of said Board of Commissioners. And in case any person elected or appointed as such Commissioner, fail to give bond, as aforesaid, before, or at the next regular meeting of said Board, his office shall be declared vacant, and his successor appointed by the remainder of the Board.

Oath.

Failure to give bond.

SEC. 4. *Be it further enacted*, That the Board of County Commissioners shall hold four sessions annually, at the City of Jackson, at the times now prescribed by law for the holding of the regular terms of the Quarterly Court of said county. Two members shall constitute a quorum to do business. In the absence of the President, a President *pro tem.*, may be elected. The Clerk of the County Court of said county shall be the Recorder of said Board, and shall discharge all the duties in reference thereto, which he is now required to perform as Clerk of said Quarterly Court.

Quarterly Sessions.

Recorder.

SEC. 5. *Be it further enacted*, That all the powers and duties which are now vested in and performed by the Quarterly Court of said county, shall be vested in said Board of Commissioners. And in addition to the powers now conferred by law, the said Board shall have authority to insure the public buildings and other property of the county; to order and contract for surveys and maps of the county; to provide for payment of expenses and furnishing court-rooms; to establish grades; to purchase record books, and all necessary stationery for their own use as a Board, and for the clerk's offices, and other Courts in the county; to provide for the compensation and expense of jurors, as fixed by law; to appoint an Attorney for the county, whose duty it shall be to prosecute and defend all suits in behalf of the county, advise said Commissioners on legal questions; to inspect and examine all bonds of other officers of the county, prepare forms for blanks to be used by said Commissioners, and other necessary matters properly within the sphere of his duties, which may be required of him by said Board; to appropriate money for their own and the salaries of other officers of the county; to subscribe stock in railroads which the County Court of Madison has

Powers and duties.

Same.

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been authorized by general or special law to subscribe, and to represent such stock in all elections for Directors, and to provide for payment of subscriptions as made. No money shall be drawn from the Treasury except upon a warrant by the President of said Board of Commissioners, and countersigned by the County Court Clerk.

Same. And the said Commissioners are hereby vested with all the powers, which, by the Code of Tennessee, have heretofore been vested in the County Court, in the following sections, viz: 4206, 4207, 4211, 4212, 4213, 4214, and 4215.

Magistrates. SEC. 6. *Be it further enacted*, That the Magistrates of said county of Madison shall be, and are hereby relieved from all further duties and obligations incidental to their office as members of the Quarterly Court of said county.

Contracts. SEC. 7. *Be it further enacted*, That no Commissioner of said Board shall, directly or indirectly, be concerned in any contract for work to be done, or material to be used for the county; and any such violation shall, in addition to the penalties provided by law, subject the offender to removal from office.

Oaths. SEC. 8. *Be it further enacted*, That the said Commissioners, or either of them, are hereby authorized and empowered to administer all oaths of affirmation necessary in discharging the duties of their respective offices.

Appeals. SEC. 9. *Be it further enacted*, That any person, a party to any matter determined by said Commissioners, may appeal from such decision to the Circuit Court of the said county within ten days thereafter, notifying the Commissioners or their Attorney, at least ten days before the trial term at which such case shall be tried; which notice shall be in writing, and a copy thereof filed with the Attorney or President of said Board.

Compensati'n SEC. 10. *Be it further enacted*, That the compensation of the President of said Board, shall be five hundred dollars per annum, and of the other Commissioners, four hundred dollars each, per annum, payable quarterly, out of the county treasury.

Benton County. SEC. 11. *Be it further enacted*, That the County of Benton shall have the benefit of the above Act; *Provided*, said Commissioners shall receive, for their services, as follows: The Chairman, one hundred and fifty dollars, and his associates, one hundred dollars each.

Stewart. SEC. 12. *Be it further enacted*, That the provisions of this Act, be, and the same are hereby, extended to the County of Stewart.

Dyer. SEC. 13. *Be it further enacted*, That the provisions of this Act be extended to the County of Dyer.

Coffee and Grundy. SEC. 14. *Be it further enacted*, That the provisions of this Act be extended to the Counties of Coffee and Grundy.

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SEC. 15. *Be it further enacted*, That the provisions of this Act shall apply to the Counties of White and Putnam; *Provided*, that the Chairman of each of these counties receive for his services, two hundred dollars per annum, and each of his associates, one hundred and fifty dollars. White and Putnam.

SEC. 16. *Be it further enacted*, That the provisions of this Act be extended to the County of Montgomery; *Provided*, that the salaries of said Commissioners be fixed at the following rates per annum: The Chairman, fifteen hundred dollars, and the other members, each, one thousand dollars per annum. Montgomery.

SEC. 17. *Be it further enacted*, That the provisions of this Act shall apply to the County of Humphreys; *Provided*, the President of said Board shall receive but one hundred and fifty dollars per annum, and the other two shall receive one hundred dollars each, for their services. Humphreys.

SEC. 18. *Be it further enacted*, That the Commissioners prescribed for by the (10) tenth section of this Act, shall apply to the County of Coffee; and the compensation prescribed in and by the eleventh (11) section of this Act, shall extend to the County of Grundy. Coffee. Grundy.

SEC. 19. *Be it further enacted*, That the Quorum Courts of the counties prescribed for in this Act, be, and the same are hereby, abolished; and that all the powers, duties, and jurisdiction, now vested in the Quorum Court shall be vested in the Board of County Commissioners, whose duty it shall be to perform and discharge all the obligations now imposed upon the Quorum County Court. Quorum Courts.

SEC. 20. *Be it further enacted*, That the power and authority now vested, in the Chairman of the County Court, be, and the same are hereby, vested in the President of the Board of Commissioners, whose duty it shall be to perform all the duties, and discharge all the obligations imposed by law, upon, and exercised by the Chairman of the County Court in and out of court term. Powers of Presidents.

SEC. 21. *Be it further enacted*, That the Magistrates of the counties provided for by this Act, be, and they are hereby relieved from all the duties and obligations incident to them as members of the Quorum or County Court, which duties are to be performed by the Board of County Commissioners. Magistrates.

SEC. 22. *Be it further enacted*, That the provisions of the three foregoing sections apply to the County of Warren; and that all laws in conflict with this Act, be, and they are hereby, repealed. Warren.

SEC. 23. *Be it further enacted*, That the Commissioners appointed under this Act, for the Counties of Warren and Coffee, shall receive the following compensation, Compensati'n

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Same.

to-wit: The President of said courts, the sum of three hundred dollars; and the associates the sum of two hundred each, annually, as full compensation for their services. Any laws to the contrary, are hereby repealed; and that this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 12, 1868.

CHAPTER LXVI.

AN ACT to Inflict Penalties upon Common Carriers and their Agents, for violations of law, in making unjust and illegal distinctions, based on color, race and previous condition.

No distinctions.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That no distinction shall be made by Common Carriers in the State, either by railroad, turnpike, or other corporations, or private parties who are Common Carriers, in regard to the color, race or previous condition of any person or persons, asking at the hands of said Common Carriers, conveyance or any other service commonly rendered by them.

Fine.

SEC. 2. *Be it further enacted*, That for each and every violation of this Act, by any Common Carrier, exercising the privileges that attach to said calling, within the State of Tennessee, there shall be imposed upon said Common Carrier, so offending, a fine of one hundred dollars, to be paid to the person against whom said discrimination may be made.

Conductors or employes.

SEC. 3. *Be it further enacted*, That any Conductor, or any other employè of said Common Carriers, who may so distinguish between persons so desiring the services of said Common Carriers, on account of race or color, or previous condition, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in the sum of not less than ten dollars, nor more than fifty dollars, to be paid into the Treasury of the State of Tennessee, for the use of the Common Schools of the State, and imprisoned in the jail of the county where the indictment is found, not exceeding thirty days, at the discretion of the Court.

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SEC. 4. *Be it further enacted*, That all laws of the State, in any manner conflicting with the provisions of this Act, in so far as they do so conflict, be, and the same are hereby, repealed; *Provided*, That this Act shall not be so construed as to prevent the proper officers of transportation companies, from selling second class tickets, or passage, and from setting apart apartments for women, or men accompanied by women; *Provided, however*, That all Railroad Companies, Steamboat Companies, and Street Railroad Companies, shall be compelled to sell to all applicants, first or second class tickets, as the applicant may elect, and furnish accommodations according to the ticket sold. Provisos.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 12, 1868.

CHAPTER LXVII.

AN ACT Amendatory to An Act Compensating Justices and Jurors; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act compensating Justices and Jurors, passed November 21st, 1866, be so amended as to allow officers serving Courts, a like *per diem*.

SEC. 2. *Be it further enacted*, That the Circuit Court for the county of Marshall, shall be held hereafter on the second Mondays of February, June and October; and for the county of Hickman, on the first Mondays of February, June and October. Cir. Court for Marshall.

SEC. 3. *Be it further enacted*, That the Chancery Court for Giles County, shall hereafter be held in the town of Pulaski, on the first Mondays in May and November, in each year. Ch. Court for Giles.

SEC. 4. *Be it further enacted*, That the Chancery Court of Carthage, Smith County, shall be hereafter held on the second Monday in June, and the third Monday of December, of each year; *Provided*, that the April Term Ch. Court for Smith.

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of the Chancery Court at Carthage, Smith County, shall be held for the year 1868, as heretofore provided by law.

Commis'n'ers for Sumner.

SEC. 5. *Be it further enacted*, That the Board of County Commissioners for the county of Sumner, in this State, be, and they are hereby, authorized and empowered, on behalf of said county, to issue bonds with coupons attached, for the purpose of funding the indebtedness of said Sumner County; and said issue of bonds is not to exceed in amount, the said indebtedness of said county; and said bonds are to be payable at such time and in such manner, and to be of such denomination, as said Board of Commissioners shall determine.

Trials of civil causes, State interested.

SEC. 6. *Be it further enacted*, That sections 2945, 2946, 2947, 2948 and 2949, of the Code of Tennessee, be, and the same are hereby, so amended as to authorize the Judges of any of the courts of law or equity of this State, to appoint any time which he may deem proper, for the trial of any and all civil causes on the dockets of his court, in which the State is a party in interest, whether the State is directly a party to the same, or is interested in the same through its interest in the speedy settlement of the affairs of the Bank of Knoxville, or in any other way.

Same.

SEC. 7. *Be it further enacted*, That such causes may be so specifically set for trial, without reference to their relative positions on the dockets; the object of this Act being to authorize the Judge to give precedence to such causes in his discretion.

Chap. 36, Acts 1866–67.

SEC. 8. *Be it further enacted*, That sec. 8, of Chapter 36, of An Act of 1866–7, entitled "An Act to amend section 2114, article 2, chapter 4, of the Code of Tennessee, and for other purposes," be, and the same is hereby, repealed.

Stewart Co. Cir. Courts.

SEC. 9. *Be it further enacted*, That from and after the 1st of August next, the Circuit Courts for the county of Stewart, shall be held on the fourth Mondays in March, July and November; and that all laws coming in conflict with the provisions of this Act, be, and the same are hereby, repealed.

Voters' rights

SEC. 10. *Be it further enacted*, That the laws of this State shall guaranty to any man the right to go to the polls and vote without fear or molestation; *Provided*, such person shall be a qualified voter under the Franchise Laws, and shall have been duly registered by the Commissioner of Registration. No person shall be allowed to make contracts with work-hands or others in their employ, that will, or is intended to, keep them from going to the polls on election days; nor shall they, or any party, have the legal right to claim that any contract has been violated because parties or individuals in

Contracts.

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their employ left their work or lands to go and vote on election days in their county.

SEC. 11. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 12, 1868.

CHAPTER LXVIII.

AN ACT to Amend Article 2, Chapter 1, Title 4, of the Code of Tennessee, relating to Divorce.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That habitual drunkenness of either party, shall be a cause of divorce from the bonds of matrimony; when the husband or wife have contracted the habit of drunkenness after marriage. After mar'age

SEC. 2. *Be it further enacted*, That this Act shall be in force from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 12, 1868.

CHAPTER LXIX.

AN ACT to Liquidate the Debt of the State, falling due in 1868 and 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor, Secretary of State, Comptroller, Treasurer, and the President of the Bank of Tennessee, be, and they are hereby, made a Board of Finance.

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Board of Finance, any three of whom shall constitute a quorum for the transaction of business. Said Board shall elect one of its own members President, and may, if deemed necessary, elect a Secretary.

Proceedings.

SEC. 2. *Be it further enacted*, That it shall be the duty of the President, if there should be no Secretary, to keep a full record of the proceedings of said Board, and submit the same to the next General Assembly, together with a report of the indebtedness of the State, and of all important matters relating to its financial affairs.

Interest on State Bonds.

SEC. 3. *Be it further enacted*, That it shall be the duty of said Board to provide for the payment of the interest on the State bonds; and to provide for the payment of so much of the public debt of the State as may require payment within three years from the passage of this Act; and, to enable the Board to perform this duty, it may negotiate such loan as may be necessary, either by a pledge or sale of bonds; and it is hereby authorized to call upon the Governor for, and it shall be his duty to issue, the bonds of the State in sums of fifty dollars and upwards, bearing such rate of interest not exceeding 9 per cent.; and the interest payable in such currency as the Board may deem best for the interest of the State. Said bonds may be made redeemable at the pleasure of the State, after five years from their date; but said bonds shall not be sold at less than par; and the funds received from the sale or loan of the bonds hereby authorized to be issued, shall be exclusively applied to the payment of the bonds now outstanding, or to the payment of the maturing interest thereon; but under no circumstances shall the amount of bonds issued under auauthority of this Act, exceed the amount of outstanding bonds and interest concurrently paid off, so that the aggregate bonded indebtedness of the State shall not be, in any degree, increased.

May issue Bonds.

Powers, duties, etc.

SEC. 4. *Be it further enacted*, That said Board shall have all the power heretofore conferred upon the Commissioner of Roads; and the Board may employ a competent civil engineer to examine the condition of any railroad in the State, whenever such examination may be deemed necessary, and it shall be the duty of any railroad, or Railroad Receiver in the State, whenever called upon to do so, to report to the Board the amount of the bonds of the State in the possesion of the road, and in what manner any bonds loaned them by the State have been disposed of; and said Board shall have the power to appoint the agent or agents through whom the bonds loaned to railroads may be disposed of. The Board shall have supervisory power over Receivers of railroads; and it shall be the duty of the Board to require

Receivers of Railroads.

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from Receivers such bonds and reports as said Board may deem best for the interest of the State; and if such bonds are not made satisfactory to the Board, or if the Receiver should not perform his duties, upon written notice thereof, to him, his powers as Receiver shall cease from the receipt of the notice. The Board shall settle with all railroads and Railroad Receivers, and turnpike companies, and examine into and settle the sinking fund account between all railroads and the State. Same.

SEC. 5. *Be it further enacted*, That it shall be the duty of each railroad company, at least fifteen days before each installment of interest on the bonds issued to it becomes due, to deposit with the Comptroller of the State a sum of money sufficient to pay such interest, including exchange and necessary commissions; and when failing to comply with the above requirements the road shall be subject to all the provisions of section 1101 of the Code. R. R. Co's to deposit interest, etc.

SEC. 6. *Be it further enacted*, That guardians and all others having money in their hands in trust, are hereby authorized to invest the same in bonds that may be issued under this Act; *Provided*, That the bonds of the State that may be taken up under the provisions of this Act, shall be canceled and deposited in the Comptroller's office; and that the Secretary of State shall keep in a well bound book, in his office, a particular description of the date, number, amount, etc., of the bonds that may be issued under the provisions of this Act, as well as those taken up and canceled; and that all laws and parts of laws in conflict with the provisions of this Act, are hereby repealed; and that this Act take effect from and after its passage. Guardians, etc. Sec'y of State.

F. S. RICHARDS,
Speaker of the House of Representatives

D. W. C. SENTER,
Speaker of the Senate.

Passed March 13, 1868.

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CHAPTER LXX.

AN ACT to Organize and Equip a State Guard, and Regulate the Governor's Staff.

Gov. to call into service.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor be, and he is authorized and empowered to organize, equip, and call into active service, a volunteer force, to be known as the "Tennessee State Guards," to be composed of one or more regiments from each Congressional District of the State; *Provided, always*, that said Tennessee State Guards, shall be composed of loyal men, who shall take and subscribe to the oath, prescribed in the Franchise Act, passed February 25th, 1867.

How gov'ned.

SEC. 2. *Be it further enacted*, That the State Guards organized under the provisions of this Act, shall be governed by the Revised Regulations of the United States Army; *Provided*, They shall not be armed, equipped, or paid, only for, and during the time that they are in actual service.

Adj. Gen. to take charge of property.

SEC. 3. *Be it further enacted*, That when there are no State Guards in actual service, the Adjutant-General of the State shall take charge of all Ordnance, Quartermaster, and Commissary of Subsistence property, belonging to the State, and shall preserve or dispose of the same by order of the Governor, and, he shall perform all the official duties of Ordnance Officer, Quartermaster and Commissary for the State.

Gov. may appoint Q. M. General.

SEC. 4. *Be it further enacted*, That when there are State Guards in actual service, the Governor may appoint a Quartermaster-General, who shall perform the duties of Quartermaster and Commissary-General for the State.

Paymaster.

SEC. 5. *Be it further enacted*, That when there are State Guards in actual service, the Governor may detail from the line, an officer, to act as Paymaster of the State Guards, and to assist the Adjutant-General in his official duties; and who shall file, in the office of the Secretary of State, a bond, with good and sufficient securities, to be approved by the Governor, in the sum of one hundred thousand dollars; also, an officer, to act as mustering officer, and assist the Quartermaster-General in his official duties.

Salary of Gov's Staff.

SEC. 6. *Be it further enacted*, That no officer on the Governor's Staff shall receive more pay than one hundred and thirty dollars per month, and that they shall not be entitled to any commutation whatever; *Provided*, That this Act shall not be so construed, as to allow the Gov-

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ernor to have more than two staff officers, (a Quartermaster, and Adjutant-General,) under pay at any time.

Adj. and Q. M.-Gen'l. may give bond.

SEC. 7. *Be it further enacted*, That the Adjutant-General and Quartermaster-General of the State, may, each, file in the office of the Secretary of State, a bond, with good and sufficient securities, to be approved by the Governor, in the sum of fifty thousand dollars.

Compt. to issue warrant

SEC. 8. *Be it further enacted*, That the Comptroller of the State shall never, at any one time, issue his warrant on the Treasurer to the Paymaster of the State Guards, for more than fifty thousand dollars, and then, not until he is satisfied that the whole amount of the preceding warrant has been lawfully accounted for.

Repealed.

SEC. 9. *Be it further enacted*, That all laws, or parts of laws, conflicting with the provisions of this Act, be, and the same are hereby, repealed; and that this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 16, 1868.

CHAPTER LXXI.

AN ACT to Amend An Act passed February the 19th, 1868.

County Claim Com. to administer Oath

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed February the 19th, 1868, be so amended as to authorize the County Claim Commissioners appointed by the Governor, under the provisions of said Act, in each County of the State, to administer all oaths necessary to carry out the provisions of said Act, and that said County Commissioners shall have until the 1st of July, to complete their work.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 24, 1868.

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CHAPTER LXXII.

AN ACT Concerning the Leasing and Consolidating of Railroads in the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not be lawful for the Receiver, President, or President and Directors, or Superintendent, or other officer, or agent, of any of the railroads in this State, to lease to, or consolidate, the railroads controlled by them, or either of them, with any railroad, without the consent of the stockholders, given at a regular annual meeting of the stockholders of the road, proposed to be thus leased or consolidated; which consent shall be manifested by a vote of three-fourths of the stock present, or represented at such annual meeting, in favor of such leasing or consolidation.

Stockholders' consent.

SEC. 2. *Be it further enacted*, That at the annual meeting of the stockholders, when a vote is taken on a proposition to lease or consolidate any railroad in this State, each share held by a stockholder, shall entitle him to one vote.

Annual meeting.

SEC. 3. *Be it further enacted*, That all laws, and parts of laws, coming in conflict with the provisions hereof, be, and the same are hereby, repealed.

Repealed.

SEC. 4. *Be it further enacted*, That section 1148 of the Code, be so amended, as to read as follows, to-wit: If a majority of the legal voters of the County, Town, or City, as the case may be, in any county, in this State, should vote in favor of subscription, the Judge or Chairman of the County Court, or County Commissioners, or the Mayor of any corporation, shall subscribe the amount of stock, so voted for, in the name of the county or corporation; and shall issue the bonds, when called for.

Code, Section 1148.

SEC. 5. *Be it further enacted*, That upon failure of any County, Town, or City, to vote the subscription, the question may be again submitted, at any time, after giving the notice required by law; *Provided*, That sections 4 and 5 shall apply to the Tennessee & Pacific Railroad, in the counties through which said road may run, and may wish to subscribe for stock in said road.

Failure to vote subscription.

SEC. 6. *Be it further enacted*, That the counties through which the North Carolina, Tennessee & Kentucky Railroad passes, are hereby authorized to subscribe stock to said road, to an amount not to exceed one hundred thousand dollars for each county through which said road passes; and, on notification of the President, the County Court shall submit the proposition to subscribe said stock, to the legal voters of said counties; a major-

Counties on the N. C., T. & Ky. R. R.

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ity of the voters, voting in the affirmative, the County Court is authorized to subscribe said stock, and devise such ways and means as is necessary for the payment thereof.

SEC. 7. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 13, 1868.

CHAPTER LXXIII.

AN ACT for the Relief of T. McKinley, and other Commissioners of Registration of voters.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor be, and he is hereby, authorized to approve the claim of T. McKinley, and all other Commissioners of Registration of voters, for whatever necessary cost and expenses, or outlays, he or they, may have incurred in defending any or all suits, against him or them, for alleged violations of their duties under the Franchise Law, as registers of voters aforesaid, in any of the Courts, or before any Justice of the Peace, in this State. Costs of Suits.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Comptroller, upon the presentation to him of said claim—the same being approved by the Governor—to issue his warrant to said McKinley, or other persons thus sued, as aforesaid, upon the Treasurer, for the amount of his or their claim, thus approved; and the Treasurer is hereby authorized to pay said warrant. Duty of Comptroller and Treasurer.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 13, 1868.

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CHAPTER LXXIV.

AN ACT for the Benefit of the People of Perry County, Tennessee.

Appeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all appeals that shall hereafter be taken from the Circuit or Chancery Courts of Perry county, to the Supreme Court of this State, shall be carried up to Nashville, instead of Jackson; and the Clerks of said Courts shall make out their transcripts, in accordance with this law.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER.
Speaker of the Senate.

Passed March 13, 1868.

CHAPTER LXXV.

AN ACT to Make the Rules of Evidence in the Federal and State Courts, uniform.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all Civil Courts, no witness shall be incompetent for the reason that he or she is a party to said cause, or may have an interest in the subject-matter thereof.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 13, 1868.

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CHAPTER LXXVI.

AN ACT to Amend An Act passed March 7th, 1867, Chapter 52, entitled "An Act to Amend the Charter of the Memphis & Charleston Railroad Company, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 8 of An Act entitled "An Act to amend the Charter of the Memphis & Charleston Railroad Company, and for other purposes," be, and the same is hereby, repealed; *Provided*, That all tolls collected are applied to the repairing of the roads hereby affected, until such roads are placed in good condition. Tolls.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed January 16, 1868.

CHAPTER LXXVII.

AN ACT to Repeal An Act entitled "An Act to Change the mode of Electing the Jailer of Davidson County," passed February 9, 1866; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act entitled "An Act to Change the mode of Electing the Jailer of Davidson County," passed February 9, 1866, be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted*, That from and after the passage of this Act, the office of Jailer of Montgomery and Claiborne Counties, shall be made elective by the qualified voters; and he shall hold his office for two years, or until his successor is elected and qualified. Montgomery and Claiborne

SEC. 3. *Be it further enacted*, That the Jailer of said County of Davidson, shall be elected at the regular March election in 1868, and every two years thereafter, together with other county officers; and when elected, shall enter into a bond of ten thousand dollars, with two good securities, to be approved by the Chairman of the County Court, or the County Court Judge, conditioned Elections. Bond.

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that he will faithfully perform all the duties imposed upon Jailers, now, by the laws of this State.

Additional Notary Public for Davidson

SEC. 4. *Be it further enacted*, That the presiding Judge of the Davidson County Court, during vacation of said court, or the court in term, be, and is hereby, directed and authorized, in addition to the number of Notaries Public, now required by law to be appointed, to appoint one additional Notary Public for said county, who, in addition to the requirements now prescribed by law, shall understand, speak, write, and read the German language; and who shall hold his office under, and in all respects be governed by, the law now in force in regard to Notaries Public in this State.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed January 23, 1868.

CHAPTER LXXVIII.

AN ACT to Amend An Act entitled, "An Act to Incorporate the Tennessee & Pacific Railroad Company;" and for other purposes.

Sec. 26.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the twenty-eighth line, of section 26, of an amendment to An Act, incorporating the Tennessee & Pacific Railroad Company, shall read as follows: *twelve hundred*, instead of "one hundred and twenty thousand."

Sec. 27.

SEC. 2. *Be it further enacted*, That the fifth line of section 27 of the same amendment, shall read, *twelve hundred shares*, instead of "one hundred and twenty shares."

E. T. & W. N. C. R. R., charter revived.

SEC. 3. *Be it further enacted*, That the charter of the East Tennessee & Western North Carolina Railroad, is hereby revived, retaining all rights, privileges, immunities and appropriations that were heretofore granted; and the Commissioners of said Company, are hereby authorized to re-open company books at the places specified in the original charter, for the purpose of receiving subscriptions of stock; and the said books shall remain open

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until the Saturday before the third Monday in February, 1868, and all stock hereafter received as subscriptions to the said road, shall be unconditional and irrevocable.

Directors.

SEC. 4. *Be it further enacted*, That the stockholders in said road, shall meet in Elizabethton, in the County of Carter, on the third Monday in February, 1868, for the purpose of electing a permanent Board of Directors, to consist of seven members, each of whom shall own permanent stock to the amount of one thousand dollars.

Voting.

SEC. 5. *Be it further enacted*, That each stockholder shall be entitled to cast one vote, in person, or by proxy, for each share owned by him or her, upon which they have paid one dollar, as prescribed by the charter, to which this is amendatory.

Commissioners to deliver books, etc.

SEC. 6. *Be it further enacted*, That each Commissioner soliciting stock, shall, on Saturday before the third Monday in February, 1868, deliver into the hands of the present Treasurer of the Board of Commissioners, all books of subscription, and moneys received by them for said road.

Repealed.

SEC. 7. *Be it further enacted*, That all laws and parts of laws, in conflict with this Act, are hereby repealed.

Lebanon & Gallatin R.R. Company.

SEC. 8. *Be it further enacted*, That section 20, of An Act to incorporate the Lebanon & Gallatin Railroad Company, passed December 16, 1867, be so amended as to require a majority of all the legal voters of the county, taking the last election for Governor as a basis, before said company shall be entitled to the county subscription.

SEC. 9. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed January 25, 1868.

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CHAPTER LXXIX.

AN ACT to Amend the Revenue Laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act to amend the Revenue Laws of this State, Chapter 8, passed May 24th, 1865, be, and the same is hereby amended, so that the following rate of taxation shall be levied and collected, as now required by law, or by the provisions of this Act, for State purposes: On every taxable poll, one dollar and twenty-five cents; on every hundred dollars' worth of taxable property, forty cents; all interest-paying State, county and corporation bonds, owned by citizens of this State, whether on deposit, in or out of this State, shall be taxed forty cents on the one hundred dollars for State purposes, and twenty cents as a school tax, on their real value, as compared with moneys receivable for State and county tax, at par.

Polls, property, bonds.

SEC. 2. *Be it further enacted*, That all Foreign Insurance Companies doing business in this State, whether fire, marine, accident or life, shall pay, annually, on taking out or renewing a license, the sum of seven hundred and fifty dollars; whether foreign or chartered by this State, and whether fire, marine, accident or life, shall pay monthly, a tax of one-and-a-half per cent. on the gross amount of premiums received by them, whether said premiums be received in cash or premium notes; and the payment of said tax shall be based upon a statement of the business of the company, during the preceding month, sworn to by two persons connected with said company; and payment on such sworn statement, shall be regularly made to the Comptroller of the State.

Insurance Companies, tax on premiums.

SEC. 3. *Be it further enacted*, That every Insurance Company doing business in the State, whether fire, marine, accident or life, and whether chartered by this State or not, shall be required to deposit with the Comptroller of this State, twenty thousand dollars of six per cent. bonds of the State of Tennessee, or of the United States, as security for risks taken by citizens of this State; and if the agent or agents of any Insurance Company, after the passage of this Act, shall take risks without first making this deposit, the agent or agents so offending, shall be guilty of a misdemeanor, and be fined not less than one hundred and fifty dollars for each offender, one-third of which shall be given to the person on whose information the conviction of the offense is based, and the balance shall be paid into the Treasury of the State.

To deposit Bonds.

Fine for failure.

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Same.

SEC. 4. *Be it further enacted*, That when any agent or agents of any Insurance Company shall neglect or refuse to comply with the requirements and provisions of the second section of this Act, such agent or agents shall be subject to a penalty of one hundred dollars for each and every week so neglecting or refusing to comply; which penalty shall be charged to them, and shall be deducted from the amount of State or United States Bonds, deposited by them with the Comptroller.

Licenses.

SEC. 5. *Be it further enacted*, That all persons engaged in the following pursuits, shall obtain an annual license from the Clerk of the County Court, and pay the taxes herein provided:

Merchants.

Every merchant shall pay for his license one per cent. in the dollar, on the invoice cost, at the place where purchased, of all his goods; and shall make a semi-annual statement of his purchases, to the County Court Clerk, under oath, and pay the tax thereon, semi-annually.

Commission or Auction.

Every commission or auction merchant, shall pay for his license, one per cent. in the dollar, on the gross amount of all his sales, public and private; and shall make a semi-annual statement of his sales to the County Court Clerk, under oath, and pay the tax thereon semi-annually. The term "merchant," as used in the above sections, includes every person trading or dealing in goods, wares, merchandise, groceries, jewelry, drugs and medicines.

Real Estate Brokers.

Brokers of real estate, including all contracts for rents, carried on as a regular business, shall pay a privilege tax of fifty dollars, and one-half of one per cent. on the gross amount of sales and rents; *provided*, that all merchants and dealers above specified, shall give to the Clerk of the County Court, at the time of taking out the license, a bond, with good security, conditioned that he, she or they, will make the reports, and pay the taxes, as herein provided.

Hotel keepers

Hotel or tavern keepers, for each room in the house, except two, one dollar.

Livr'y Stables

Livery stables, or stables kept by inn-keepers, for each stall, one dollar.

Omnibus Co's

Each omnibus company, or individual engaged in running omnibuses for pay, shall pay a privilege tax on each omnibus, of twenty-five dollars.

Hacks, etc.

All hacks, carriages or vehicles, run for pay, shall pay a privilege tax of ten dollars.

Express Wagons.

Each express wagon or cart, including wagons or carts engaged in transferring, other than those belonging to express or omnibus companies, shall take out a license annually, from the County Court Clerk, and shall pay a tax for each express wagon of five dollars; each express cart, five dollars; each transfer wagon, (two horse,) ten dollars; each transfer wagon, (four horse,) fifteen dollars

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Ferries. Steam ferry companies, or steam ferries, operated by individuals, shall take out an annual license from the County Court Clerk, and pay an annual privilege tax of one hundred dollars, and one half of one per cent. on their gross receipts.

Sewing Machines. All peddlers of sewing machines, or selling by sample, shall pay a tax of ten dollars.

Retail dealers in Liquors. Retail dealers in spirits, wines, ale, beer, or other malt liquors, in addition to present taxes on each establishment, shall pay a privilege tax of twenty-five dollars. Any person peddling liquors of any kind, either on foot or horseback, or with any vehicle, shall pay a tax of one hundred dollars at every place he may retail such liquors.

Horse and Mule dealers. Horse and mule dealers, whose business is buying and selling horses and mules, shall pay a tax of ten dollars.

Cattle dealers Cattle dealers, whose business is buying and selling cattle, sheep, or hogs, a tax of ten dollars.

Brewers. Brewers shall pay a privilege tax of one hundred dollars.

Pawnbrokers. Pawnbrokers, a privilege tax of five hundred and fifty dollars.

Claim Agents All claim agents, a tax of twenty-five dollars; *provided* that all claim agents whose practice is exclusively confined to prosecuting claims for back pay and bounty, and applications for pensions, shall be exempt.

Intelligence Offices. All intelligence office keepers, a tax of twenty-five dollars.

Butchers. All butchers, whose business is to sell, and all offices kept for the sale of meats at retail, a tax of ten dollars.

Lawyers. All lawyers who set themselves up as practicing attorneys, and who have been practicing the profession for five years, shall respectively, pay a privilege tax of fifteen dollars.

Physicians. Physicians, dentists, surgeons, who charge for services, a tax of ten dollars; *provided* their income is over eleven hundred dollars per annum.

Architects, etc. Architects and civil engineers, those who plan, design, or superintend, the construction of buildings, steamboats, bridges or railroads, not including mechanics, a tax of ten dollars.

Plumbers. Plumbers and gas-fitters, a tax of ten dollars.

Mar. License. Each marriage license, a tax of two dollars.

Peddlers. Peddlers may take out license quarterly, and shall pay, if on foot, a tax at the rate of twenty dollars per annum; or, if a peddler, with horse or vehicle, may take out license, and pay a tax at the rate of fifty dollars per annum, and fifty dollars for each vehicle, ten dollars for every horse used over one.

Exhibitions. Exhibitions of profit, slight of hand, legerdemain, or other exhibitions, except circuses and menageries, shall take out license, and for each day's performance, shall pay a tax of five dollars.

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Telegraph companies shall take out a semi-annual license, and pay therefor, a tax of five hundred dollars. Telegraph Companies.

Express companies, five hundred dollars, where the distance traveled is less than one hundred miles; over one hundred miles, one thousand dollars, annually, in lieu of all other taxes. Express Co's.

The business of banking, whether by banks chartered by this State or by authority of the United States, sixty cents on the one hundred dollars of the capital stock; and the said banks shall report, specifically, the amount of their capital stock on the first of April in each and every year, and pay the tax imposed by this Act, which includes the twenty cents for school purposes. Banks.

SEC. 6. *Be it further enacted*, That each Justice of the Peace, who, in the discharge of his duties as assessor of taxable property in his district, or any assessor of taxable property in any incorporated city or town, who shall, in any case, refuse or neglect to perform any duty enjoined upon him by law, or who shall consent to, or connive at any evasion, whereby any proceedings required by the tax laws of this State, or relate to the collection of taxes, shall be prevented or hindered, or whereby any property, capital or income required to be listed for taxation, by this or any other Act, shall be unlawfully exempted, or the valuation thereof be entered on the tax list at less than its actual true value in cash, shall, for every such neglect, refusal, consent or connivance, forfeit and pay to the State, not less than fifty dollars, nor more than five hundred dollars, at the discretion of the court, to be recovered in the name of the State by the Clerk of the County Court. Justices, or Assessors, etc Fine.

SEC. 7. *Be it further enacted*, that sections 643, 644, 645, 646 and 647 of the Code, be, and they are hereby, repealed. Repealed.

SEC. 8. *Be it further enacted*, That the proviso to section 5 of chapter 8, of the Acts of 1859 and 1860, passed March 22d, 1860, relating to billiard tables, etc., be, and the same are hereby, repealed. Ch. 8, sec 5 Acts '59–'60.

SEC. 9. *Be it further enacted*, That it shall hereafter be the duty of the Clerks and Collectors charged with the collection of revenue of the State, on the first day of December, March, June and September, of each fiscal year, to make a statement, under oath, to be forwarded immediately to the Comptroller of the State, setting forth the amount collected by him or them, specifying the items of taxation from which the amount has been collected, and to deposit the said revenue as often as four times a year. Said deposits shall be made by the first day of December, March, June and September, of each fiscal year, with the depository at Knoxville, Nashville and Memphis, to the credit of the Treasurer of the State of Tennessee as hereinafter provided; and the Duty of Clerks and Collectors. Deposits.

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officer making the same, shall take a certificate of deposit in triplicate, and forthwith inclose one to the Comptroller, and one to the Treasurer, retaining one for his own protection.

Clerks and Magistrates to deposit monthly.

SEC. 10. *Be it further enacted*, That all Clerks of the various courts throughout the State, as well as all Magistrates of the several Civil Districts in every county, shall deposit with the Trustee of their respective counties, on the first Tuesday of every month, all county revenue collected by them during the preceding month, together with a written statement of the same, showing the source from whence it was derived, the name of the parties paying the same, the kind of funds collected from them, whether currency, county warrants, or interest coupons, together with the date of every item. For the amount deposited, the Trustee shall prepare triplicate receipts, one of which he shall retain; the other two shall be given to the Clerk or Magistrate making the deposit. The statement submitted by said Clerk or Magistrate shall be filed by the Trustee, who shall immediately furnish a copy of the same to the County Court Judge, or Chairman of the Board of County Commissioners. All Clerks of Courts, and civil Magistrates referred to in this section, shall, in addition to a statement to be submitted monthly, to the Trustee, make also quarterly, a sworn statement of all county revenue received by them during the preceding quarter, showing explicitly everything in relation to the receipt of said revenue as they are required to show in their monthly statements to the Trustee; and these quarterly statements properly sworn to, shall be made to the Judge or Chairman of the County Court, or the Chairman of the Board of County Commissioners, on the first Mondays of January, April, July and October, of each and every year; and the Trustee's monthly receipts, as vouchers, shall be submitted with said quarterly statements; and any failure to comply with the provisions of this section shall be a misdemeanor in office, and shall subject the offender to the penalty specified in section 511 of the Code of Tennessee.

Receipts.

Quarterly Statement.

Misdemeanor

Tax Collector to give notice and make publication.

SEC. 11. *Be it further enacted*, That whenever, by the requirements of section 607 of the Code, it becomes the duty of all tax collectors to give notice that they are prepared to make their collections, it shall also be the duty of said tax collectors, at the same time and in the same manner, to make full publication of all such parts of this Act as in any way relate, either to the time when taxes are declared due, or to the penalties imposed on failure to pay said taxes at the specified time.

Checks.

SEC. 12. *Be it further enacted*, That no part of the moneys deposited with any one of the depositories under the provisions of this Act shall be drawn by the Treasurer, except upon the check of the Treasurer, countersigned by the Comptroller.

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SEC. 13. *Be it further enacted*, That it shall be the duty of the State Comptroller and Treasurer, immediately upon the passage of this Act, to designate and appoint one of the National Banks of Knoxville, Nashville and Memphis, as a depository of the revenues of the State, and require from each of said depositories a bond, with sufficient security, in the sum of three hundred thousand dollars each, to be approved by the Governor, Comptroller and Treasurer; and upon execution and approval thereof, the Comptroller shall issue a circular letter to each of the Clerks and Collectors charged with the duty of collecting the State revenue, notifying each of them of the requirements of this Act; and thereupon the said Clerks and Collectors in East Tennessee shall commence depositing the State revenue received by them, respectively, in the depository at Knoxville; the Clerks and Collectors in Middle Tennessee, in the depository at Nashville; and the Clerks and Collectors in West Tennessee, in the depository at Memphis, as provided in this Act. *Provided, however*, that the Clerks and Collectors in Knox, Davidson and Shelby counties shall deposit weekly the moneys due the State collected by them with the depository designated in the said counties, respectively.

Depositories.

Comptroller to notify.

Clerks to deposit.

SEC. 14. *Be it further enacted*, That if any Tax Collector shall hereafter wilfully fail and refuse to pay into the Treasury of the State the revenue which he has collected, he shall be guilty of a felony; and it shall be the duty of the Attorney-General of the District in which such defaulting Revenue Collector may reside, to prosecute him for such offense; and upon conviction thereof he shall be imprisoned in the State Penitentiary for a period of not less than five, nor more than twenty years. The word Tax Collector, as used in this section, is intended to include and embrace all persons entrusted with the collection of the public revenue.

Refusal to pay, felony.

Tax Collector.

SEC. 15. *Be it further enacted*, That all revenue received by the Collector of the public taxes, and not drawn for by the Treasurer, as provided for by this Act, shall, for each year, be due and payable on the first day of December of each year; and the Collector shall account for and pay over the same to the Treasurer, on or before said day, except that portion of the same which is collected on lands reported for non-payment of taxes, which shall be accounted for and paid to the Treasurer, on or before the first day of August, next after the sale.

When to be paid into Treasury.

SEC. 16. *Be it further enacted*, That no injunction or petition for mandamus shall be granted by any Judge or Court in this State, or any bill or petition for mandamus, alleging the illegality or unconstitutionality of any of the revenue laws of this State, restraining any officer or officers charged with the collection of the public

Mandamus.

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taxes of this State, except upon a final hearing of any cause in the court of last resort, if an appeal should be taken to that court; *provided*, that, should any person be proceeded against by an officer charged with the collection of the public revenue, for failing to pay the revenue due the State or county, or for any violations of the revenue laws of this State, such person or persons shall immediately suspend business, and shall not, by himself or themselves, or any other person or persons whatever, be permitted to transact or carry on the business or occupation for the violation of the law for which he or they have been proceeded against. A violation of this Act is a misdemeanor, and on conviction, the party violating the law shall be subject to a fine of one hundred dollars, and shall be imprisoned in the county jail for a period not exceeding twenty days; and it shall be the duty of all revenue officers to prosecute all violations of this law; and a failure on the part of revenue officers to prosecute all violations of this Act shall also be a misdemeanor, subject to the same penalty as hereinbefore mentioned; and the Judges of the Circuit and Criminal Courts shall give this Act in charge to the Grand Jury.

Proviso.

Vilolation, a misdemeanor.

SEC. 17. *Be it further enacted*, That in order to secure the prompt collection of the revenue derived from taxes on real estate and personalties, that all such taxes shall be, and they are hereby declared due and payable on the first day of July, of each and every year for which said taxes were assessed; and provided, the payment of said taxes is deferred and not made before the following first day of November of each and every year, a penalty of two per cent. on amount of taxes to each person, for such non-payment shall be, and the same is hereby, imposed, which shall be collected by the Tax Collector, in addition to the regularly assessed taxes; if not paid before the first day of the following month of December, a penalty of five per cent. shall be, and the same is hereby, imposed, and shall be collected as aforesaid; if not paid before the first day of the following month of January, a penalty of ten per cent. shall be, and the same hereby is, imposed, and shall be collected as aforesaid; if not paid before the property is advertised for sale, a penalty of twenty-five per cent. shall be, and the same hereby is, imposed, which penalty shall attach and be collected whenever the taxes to which said penalty attaches, shall be paid.

When due, penalties, etc.

Same.

SEC. 18. *Be it further enacted*, That it shall, in no case, be lawful for Tax Collectors to give a receipt for taxes to any individual who shall have incurred either of the penalties embraced in section 17, unless said penalty is paid with the taxes, together with such costs and fees as may have legitimately accrued on the same; and sworn statements, showing the exact condition of the

Collector's receipt.

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tax books in every county, shall be made by the Tax Collectors of said county on the first days of November, December and January, of every year, and the same shall be filed with the County Court Clerk, and a copy of the same shall be forwarded to the Comptroller of the State. **Statement.**

SEC. 19. *Be it further enacted*, That in case any property is sold by the Tax Collector for the non-payment of taxes, costs, fees and penalty, said taxes, costs, fees and penalty, shall, in the aggregate, be subjected to an additional penalty of fifty per cent.; and whether such property is purchased by individuals, by the city, or by the State, for the benefit of public instruction, it shall, at no time, be redeemed by the owner thereof, except upon payment of the fifty per cent. penalty, together with the taxes, costs, fees, and previous penalty attaching at the time of advertisment of said property; and also, the interest on the aggregate amount, for the time elapsing after sale. **Property sold, etc.**

SEC. 20. *Be it further enacted*, That in case property sold for taxes is not redeemed within one year from the time of sale, a further penalty of fifty per cent. shall be, and the same hereby, is imposed; which penalty shall attach to all previous penalties, taxes, costs, fees and interest that shall have accrued at the end of the year, on the property sold; and it shall at no time thereafter, be redeemed, whether sold to individuals, city or State, for the benefit of public instruction, except on full payment of all the penalties imposed, together with taxes, fees and costs. and the interest on the aggregate amount of taxes, fees, costs and penalties, for such time as shall have elapsed from the date the last penalty was imposed. **Time, and how redeemed**

SEC. 21. *Be it further enacted*, That the title to all property disposed of at public sale for the non-payment of taxes, shall, if not redeemed before the expiration of two years from date of sale, vest absolutely in the party or parties that purchased said property at said public sale, or in their heirs or assigns; *provided*, said parties shall have paid promptly all taxes on the same. **Same.**

SEC. 22. *Be it further enacted*, That real estate sold for taxes shall be redeemable at the office of the Clerk of the Circuit Court for the county in which said real estate lies; and it shall be the duty of the Clerk of the Circuit Court to receive from the owner of such real estate, or his or her agent, the taxes, costs, charges and penalties imposed by this Act, at any time after such sale has been made, within two years from the date of said sale; after the expiration of which time the Tax Collector, or his successor, shall execute deeds to all such real estate as has not been redeemed as aforesaid, to the purchaser, upon his application as now provided by law. **Where redeemable.**

SEC. 23. *Be it further enacted*, That it shall not be necessary, in order to convey a good and valid title to

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real estate sold for public taxes, that the Tax Collector should give the date and number of entry, or either; or date or number of grant, or either; or name of grantee, or number of range or section, or the name of the true owner of such real estate; but it shall only be necessary to give such a description of real estate reported for non-payment of public taxes as shall be necessary in order to identify the same with reasonable certainty.

Description of property.

Construction.

SEC. 24. *Be it further enacted*, That all laws on the subject of the sale of real estate for taxes, shall receive a liberal construction by the courts of this State.

Penalties for non-payment.

SEC. 25. *Be it further enacted*, That all penalties accruing previous to the sale of any property, for the non-payment of taxes, and paid either by the owner of the property, or by the purchaser of the same, whether the purchaser be an individual, a corporation, or the State, for the benefit of public instruction, shall be apportioned equally to the State and county in which said property is listed; and it is hereby made the duty of the Tax Collector, if he receives said penalties. or any other officer to whom payment of said penalties shall be made, to pass the same, as soon as collected, respectively, to the credit of said State and county.

Advertising.

SEC. 26. *Be it further enacted*, That whenever property is advertised for sale for non-payment of taxes, it shall be the duty of the officer ordering the sale to attach, or cause to be attached, the amount of penalty as well as the amount of fees, cost and taxes, in the list given to the printer for publication.

SEC. 27. *Be it further enacted*, That all laws and parts of laws coming in conflict with this Act, be, and the same are hereby, repealed; and that this Act shall take effect, and be in force from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 13th, 1868.

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CHAPTER LXXX.

AN ACT to increase the Salary of the Treasurer.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the salary of the Treasurer of the State shall be twenty-seven hundred dollars, commencing from the time the present incumbent came into office, and to be paid quarterly, out of the Treasury, as now provided by law. $2,700.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 14, 1868.

CHAPTER LXXXI.

AN ACT for the Improvement of the State Library.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the State Librarian shall provide for the furnishing of the Library rooms with some suitable reading desks for the accommodation of visitors, and with cases for the exhibition of ores and minerals from the mines of the State. Desks & cases

SEC. 2. *Be it further enacted*, That the sum of five hundred dollars, ($500,) be, and is hereby, appropriated for said purposes, out of the Treasury of the State, and the Comptroller to issue his warrant, upon the Librarian presenting his account for the same. $500 appropriated.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 14, 1868.

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CHAPTER LXXXII.

AN ACT to Change the Lines between the Counties of Smith, Putnam, and DeKalb; and for other purposes.

Putnam and Smith.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the Counties of Putnam and Smith be so changed as to run as follows, to-wit: Beginning at a point in the line of Putnam and Smith Counties, where it crosses the ridge, near M. M. Crowell's; thence, running along said ridge, so as to include the lands of M. M. Crowell, Mary Brown, Susan F. Cardwell, J. C. Apple; and with G. W. Apple's line to Young's Fork of Indian Creek; and thence down said Young's Fork of Indian Creek; and with said creek, to the Smith County line, near Dr. Wm. Robinson's, including all North and West of said line, in Smith County.

Smith and DeKalb.

SEC. 2. *Be it further enacted*, That the lines of Smith and DeKalb Counties, be so changed as to include all the lands of R. G. Davis, in the County of Smith.

Taxes.

SEC. 3. *Be it further enacted*, That the persons transferred from Putnam to Smith County, by the first section of this Act, shall pay their State and County tax for the years eighteen hundred and sixty-eight, sixty-nine, and seventy, in the County of Putnam.

Weakley and Obion.

SEC. 4. *Be it further enacted*, That the line dividing the Counties of Weakley and Obion, be so changed as to start from the North bank of the North fork of the Obion river, and with East of Davis' Mills, running a North direction, so as to leave the land of A. H. Walker, in Obion County; thence, in a North direction, so as to strike the Clinton road, opposite G. W. Cannon's gate; thence, with the Clinton road, to the State line.

DeKalb and Putnam.

SEC. 5. *Be it further enacted*, That the county line between the Counties of DeKalb and Putnam, be so changed as to include the residence and land belonging to Jacob Null in the County of DeKalb.

Cheatham and Montgomery.

SEC. 6. *Be it further enacted*, That the old, original line between the Counties of Cheatham and Montgomery, beginning at Elliott's corner, and running Southwest, to Cumberland river, be, and the same is hereby, reestablished; and all laws conflicting herewith, are hereby repealed.

Dickson and Cheatham.

SEC. 7. *Be it further enacted*, That the county line between the Counties of Dickson and Cheatham, be so changed as to begin at the three-forked chestnut tree on the Dickson County line; thence, down Bethaning's Creek, to Big Harpeth river; thence, down said river to the

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mouth of Harpeth; thence, up Cumberland river to the Cheatham County line.

SEC. 8. *Be it further enacted*, That the seventh civil district, of Bedford County, be extended South, so as to include all that portion of territory lying North of a direct line from Hall's old mills, on Flat Creek, to the mouth of a spring branch on Duck River, near Doak's tan-yard, in the twenty-first civil district, in said county. Bedford.

SEC. 9. *Be it further enacted*, That all the land, included in the County of DeKalb, South of the stage road leading from Sparta to Nashville, and East of the Caney Fork river, be, and the same is hereby, attached to the county of White. DeKalb.

SEC. 10. *Be it further enacted*, That section 6, of Chapter 135, of An Act passed March 19, 1860, be, and the same is hereby, repealed; and that the line between the Counties of Robertson and Davidson shall hereafter run, and be as it was before the passage of said Act of March 19, 1860. Robertson and Davidson

SEC. 11. *Be it further enacted*, That an additional civil district, be, and is hereby, created and formed, of parts of the ninth and eleventh civil districts of Union County, to be known and designated as the Twelfth Civil District of Union County. The County Court may designate boundaries, and fix the voting place in said district. Union County.

SEC. 12. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 14, 1868.

CHAPTER LXXXIII.

AN ACT to Amend An Act, entitled "An Act to Provide for the Reorganization, Supervision and Maintenance of Free Common Schools, passed March 5th, 1867," and more effectually to secure the Revenue for School purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 4, of the School law, passed March 5, 1867, be so amended that the County Superintendent shall be, and is hereby em-

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powered, in case the citizens fail to call a meeting to elect School Directors, to call the same; and in case the citizens neglect or refuse to elect Directors, or those elected refuse to serve altogether, or are incompetent, according to law, the County Superintendent shall appoint Directors, who, before entering upon their duties, shall be confirmed by the State Superintendent, and shall serve until the qualified voters shall choose to elect such Directors, or until their successors are qualified.

Failure to elect School Directors.

Scholastic population.

SEC. 2. *Be it further enacted*, That in case the scholastic population of the County or District is not taken as provided in the Act to which this is amendatory, the County Superintendent is authorized to employ a suitable person or persons, at reasonable compensation, which shall, on being certified to the County Court, or County Board of Commissioners, be paid as other county expenses.

County Sup'ts term of office, etc.

SEC. 3. *Be it further enacted*, That County Superintendents appointed as required in section 22, of the School Law, to which this Act is amendatory, shall serve until their successors are elected in March, 1870, and qualified; and that they may be removed for good and sufficient reasons, by vote of the State Board of Commissioners, to consist hereafter, of the Governor, Secretary of State, Comptroller, Treasurer, and Superintendent of Public Instruction; and that said Board shall determine the salaries of said Superintendents as now provided by law; *provided*, that where the School Directors of any County shall have elected a County Superintendent as now provided by law, such Superintendent shall hold the office as now provided by law, subject to the approval of the State Superintendent.

School funds.

SEC. 4. *Be it further enacted*, That all School funds, whether raised by special tax, or received from the State School Fund now in the possession of County Trustees or other local officers, or that may hereafter come to their possession, except in the cities of Memphis and Nashville, shall be paid over to the County Superintendent of his or their county, to be expended as required by law, in the case of the School Fund, or special taxes in the District or County to which it is due.

Escheated lands, duty of State Sup't.

SEC. 5. *Be it further enacted*, That, for the purpose of enabling the State Superintendent of Public Instruction to discharge his duties as now required by law, he shall keep in his office a record of all escheated lands, and of all lands heretofore bid in, and now held in the name of the Superintendent of Public Instruction, for the benefit of the School Fund; and that all Clerks, Registers and Collectors, or other officers, shall make such report to him as shall enable him to complete and keep such record; and that County Superintendents, under the direction of the State Superinten-

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ent, shall do and perform all acts in regard to escheated lands, heretofore required by law, of local School Commissioners.

SEC. 6. *Be it further enacted*, That the State Superintendent of Instruction is hereby authorized, in all cases in which he shall deem that justice, or the Free School interest demands, to revise, or cause to be revised, the records of the sale of School Lands already made; and that he may, with the approval of the Board of Commissioners of the School Fund, take such steps as will protect the interest of the School Fund in all escheated land or lands received for taxes, and held by the State for the benefit of Free Schools; and in such cases as it may be considered expedient, he shall cause the question of the sale of said lands to be brought before the Circuit Court; and in case the Circuit Court shall decree the sale of escheated land or lands received for taxes, published notice of said sale having been given thirty days before the date of the same, the Sheriff shall proceed to make the sale at auction, to the highest bidder; *provided*, that it shall not be sold for less than the taxes due against the same, together with the interest on those taxes, and the fees collected on said parcels of land; and when sale shall be so made, a clear title shall be given to the purchaser, and the County and State records shall be corrected accordingly.

Same.

Sale.

SEC. 7. *Be it further enacted*, That hereafter, when the Collector of public taxes shall bid off lands in the name of the Superintendent of Public Instruction, for the use of Common Schools, and the time for redemption of said land has expired, then it shall be the duty of the County Superintendent to proceed to take titles in the name of the State, for the use and benefit of Common Schools.

Titles in name of State.

SEC. 8. *Be it further enacted*, That henceforth, in all cases of sale of lands for taxes, and bid in for the benefit of Free Schools, the sale, and a description of said land, shall be reported to the Register of the County, who shall spread the same upon the records, and furnish one copy of the same to the Superintendent of the County, and one to the State Superintendent. The County Superintendent of Instruction shall, together with the County Court Clerk, revise the lands of the county listed, before said Clerk's Revenue Docket is presented to the County Court or Board of Commissioners; and they are charged to use special diligence that all lands previously held in the name of the State Superintendent, for the benefit of Free Schools, and redeemed, or purchased by private individuals, be included in the taxable list; and all still held in the name of the State Superintendent, shall be excluded by the County Court or Board of Commissioners from the taxable list.

Report to Register.

To revise

SEC. 9. *Be it further enacted*, That the County Super-

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intendent shall keep such records as may be required by the State Superintendent; and that the expense of the same, and the proper expenses of his office, except for such blanks and books as may be furnished as required by law, by the State Superintendent, shall be audited and paid by the County Court or Board of Commissioners of the county, as for other county officers.

Office expenses.

Disbursem'ts, how made.

SEC. 10. *Be it further enacted*, That no disbursements from the School Fund, required by law, except the salary of the State Superintendent, shall be made, whether to furnish his office with the required furniture, or books, or stationery, or postage stamps, or blanks, or for printing, or publishing, or distributing blanks, laws or instructions to County Superintendents, Teachers, or Boards of School Directors, unless the accounts for the same have been first examined and approved by the State Superintendent; and when said accounts have been so approved, the Comptroller shall issue his warrant on the Treasurer for the payment of the same, from the School Fund.

Organization, District Board, etc.

SEC. 11. *Be it further enacted*, That after the passage of this Act, on due notice by the County Superintendent, the Clerks of the several Civil District Boards in each county, shall meet and organize by electing three of their number, who shall constitute the Executive School Board for the county, in whom shall be vested the authority now intrusted to the County Court, to appoint Trustees in the Academies founded by the State, in accordance with the provisions made in each case, save that each Trustee shall be first nominated by the County Superintendent; and in whom also, shall be vested the authority to arrange—if the same cannot be adjusted by the County Superintendent—all questions of boundaries between Civil Districts, and all questions in regard to the accommodation of scholars in different counties, or in reference to schools receiving support from Districts situated in different counties—the Executive School Boards of the respective counties interested, acting jointly.

Children unable to pay,

SEC. 12. *Be it further enacted*, That in case any children are unable to attend school on account of the pecuniary inability of their parents to pay for the necessary text books for their use, on the certificate of the Teacher to such fact, approved by the Clerk of the District, and Superintendent of the County, the Comptroller of the State, shall, on recommendation of the State Superintendent, issue his warrant on the Treasurer for the amount so expended in any county, to be paid to the County Superintendent, and deducted from the amount due said county. All such books shall be returned to the County Superintendent at the close of each school term, to be distributed to any in similar need, the ensuing term.

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SEC. 13. *Be it further enacted*, That for the purpose of facilitating the work of education, that all authority in reference to education now vested, by law, in chartered towns or cities, excepting Memphis and Nashville, is hereby annulled, and their charters are accordingly, so amended; and the same authority in all particulars, is hereby vested in the School Directors of the Civil Districts in which said incorporated town or city is located, excepting that the County Superintendent shall be Treasurer for their School Fund, as otherwise required by law, for all school funds in each county. Towns and Cities.

SEC. 14. *Be it further enacted*, That the sub-district, School Directors or Civil District Directors, acting as sub-district Directors, or in behalf of graded schools, as provided by law, are hereby authorized and empowered as such, to assess such a tax on property and polls as shall be necessary to pay Teachers, or meet the incidental expenses of causing to be taught, the necessary school or schools as now required by law, five consecutive months, each year; and should any further tax then be deemed necessary for the purpose of building, or repairing, or furnishing school houses, they shall estimate said amount, not to exceed three mills on a dollar, or fifty cents on each poll, and submit the question of assessment to the legal voters of the District, first, having posted notices of the same in three of the most public places in the District, ten days previous to said election; and if the majority of legal voters of the District, present at said meeting, shall vote for the assessment, it shall be assessed. In each case the tax shall be entered on tax duplicate by the County Court Clerk, and collected by the Tax Collectors, as provided by law, in the case of other local taxes, and shall be disbursed by the County Superintendent, on the proper orders of said Board, as already provided by law. Civ. District Directors may assess tax. Election.

SEC. 15. *Be it further enacted*, That should School Directors be unable otherwise to procure sites for school houses, they are hereby authorized to appoint a Jury of View, of five legal voters of the county, who shall locate said site as the public interest may require, and assess the value of the same, and report their action to the Board, who will secure the title and pay for the site so decided by the Jury of View; *Provided*, that no five citizens of the District shall jointly and formally object to their action as unjust. In case such objection is so made, the Board of Directors shall appoint a Jury of Review of nine legal voters of said county, that shall proceed in the same manner as the Jury of View, and the action of said Jury of Review shall be final. Sites for School houses

SEC. 16. *Be it further enacted*, That when the State

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Scholastic population.

Amount due.

Superintendent shall have closed the enumeration of the scholastic population of the State, and shall ascertain the amount due from the School Fund to each child, he shall announce the amount due; but he shall not be required to approve the paying over of the same by the State Treasurer, for the benefit of any county, city or district, until the said amount shall be due for the services of Superintendents and Teachers, actually rendered.

Acts of Supt's made valid.

SEC. 17. *Be it further enacted*, That in view of the impossibility of complying with the law to which this is amendatory, in the organization of schools, and taking of scholastic population, as to precise date and manner, all such acts by Boards of Directors and County Superintendents, shall, on examination, and approval, by the State Superintendent, as performed in spirit, in accordance with the requirements of law, and in their effects, in accordance with its intent, become valid; *Provided*, that the relief given in this section shall not be extended beyond the first complete organization of the system of Free Schools in the State.

Seal.

SEC. 18. *Be it further enacted*, That the State Superintendent of Public Instruction is hereby required to procure a seal, with a proper device, for his office.

State Sup't may withhold appropriation

SEC. 19. *Be it further enacted*, That any violation of the provisions of this Act, or of the Act to which it is amendatory, shall be sufficient reason for the State Superintendent to withhold the appropriation which would otherwise be due said county, city or civil district or sub-district, for six months; and should there still be non-compliance, after due notice, he is authorized to withhold it; and the same may be distributed with the general fund, at the next annual apportionment.

Separate accounts.

SEC. 20. *Be it further enacted*, That there shall be kept in the offices of the State Treasurer and Comptroller, a separate account of all school moneys received and disbursed; and that all moneys collected for school purposes, shall be set apart, and expended for those, and no other purposes.

County Supt's to take oath.

SEC. 21. *Be it further enacted*, That County Superintendents shall be required to take the candidate's oath, and that incompetency to take said oath, or to discharge the duties of said office in any respect, shall be sufficient reason for the State Superintendent to withhold or withdraw any commission, and to appoint another man.

State Supt's salary.

SEC. 22. *Be it further enacted*, That the salary of the State Superintendent of Public Instruction shall be two hundred dollars per month, instead of one hundred, as now provided by law; to take effect from and after his

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induction into office, to be paid monthly, out of the Treasury of the State.

SEC. 23. *Be it further enacted*, That the taxes of every name, kind and description, levied and collected on property, privileges and polls, for Common Schools, shall be applied to Common Schools, according to existing laws, and shall be applied to no other purpose, under any pretext or necessity, whatever. Taxes, how applied

SEC. 24. *Be it further enacted*, That all Acts and parts of Acts inconsistent with this Act, are hereby repealed; and that this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 14, 1868.

CHAPTER LXXXIV.

AN ACT for the Relief of Quincy DeGrove, late Revenue Collector of Davidson County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Quincy DeGrove, late collector of taxes for the County of Davidson, who is indebted to the State, on the books of the Comptroller, in the sum of one thousand one hundred and seven dollars and eighty-nine cents, be released from paying the sum of seven hundred dollars thereof, upon his paying four hundred and seven dollars and eighty-nine cents into the State Treasury; it appearing, that said DeGrove was driven away from the State by the rebel authorities, in 1861, and was unable to get the credits to which he was entitled, for taxes on slaves, and other delinquencies. $700 released

SEC. 2. *Be it further enacted*, That where the books and papers that were in the office of the County Court Clerk of any county in this State, on the subject of State and County taxes, for the year 1861, were destroyed during the war, and where the tax-book, made out and delivered to the County Court Clerk, by the Revenue Collector of such county, was taken from such collector, by force, and destroyed, during the war, before the taxes were collected, in all such cases, if the County Court, upon proper proof, should release such tax collector from the county Books destroyed, others released.

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Same.

tax that had not been collected; then, in that case, such tax collector shall be entitled to a credit with the Comptroller, for the uncollected balance of State taxes with which he stands charged, upon the production of proof of the above recited facts.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 11, 1868.

CHAPTER LXXXV.

AN ACT to further extend the Exemption Laws of this State.

Code, Sec. 2115.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 2115, of the Code, be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted*, That the homestead of any housekeeper or head of a family, residing in this State, to the value of one thousand dollars, instead of five hundred [dollars,] as now provided by law, consisting of a dwelling house and out buildings and land appurtenant, occupied by such person as a homestead, shall be exempt from execution or attachment, for the debts of any such head of a family or housekeeper.

Homestead exempt from execution.

SEC. 3. *Be it further enacted*, That this Act shall apply as well to equitable, as legal estates; and the homestead, in equitable estate, shall be set apart, or provided for, as the court may prescribe in the decree ordering the sale; *Provided*, that this Act shall not apply as against unpaid purchase money, nor to contracts entered into before its passage.

Equitable and legal estates.

SEC. 4. *Be it further enacted*, That there shall be exempt, in the heads of any family in this State, two hundred and fifty dollars' worth of personal property, from execution and attachment, in addition to that now allowed; and, that this Act take effect from its passage.

Personal property.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 12, 1868.

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CHAPTER LXXXVI.

AN ACT to Pay the Current Expenses of this Session of the General Assembly; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue his warrant to each member of the Senate and House of Representatives, for the sum stated to be due to each, in the annexed Report of the Committee on Finance. **Members.**

SEC. 2. *Be it further enacted*, That the Comptroller issue his warrant to the officers of the Senate, and the House of Representatives, to-wit: **Officers.**

OFFICERS' NAMES.	DAYS.	AMOUNT.
David M. Nelson, P. C. of the Senate....	162	$972 00
Wm. Baker, E. C. of the Senate.....	162	972 00
Clay Newland, Assist. C. of the Senate..	162	972 00
W. T. Cate, Door-keeper of the Senate..	162	648 00
B. T. R. Foster, Ass't Door-keeper Senate	162	648 00
I. C. Napier, Porter of the Senate	162	648 00
Geo. Edgar Grisham, P. C. H. of Rep...	162	972 00
Ben. Cunningham, Ass't C. H. of Rep...	162	972 00
James F. Lauck, E. C. H. of Rep.....	162	972 00
William Heydt, Sergeant-at-Arms.....	81	324 00
R. H. Chandler, Door-keeper H. of Rep.	162	648 00
J. H. Sumner, Ass't Door-keeper H. of R.	162	648 00
Alfred Camp, Porter H. of Rep.....	57	228 00
Total,....		$9,624 00

SEC. 3. *Be it further enacted*, That the Principal Clerk of the Senate, and the Principal Clerk of the House of Representatives, shall remain a sufficient time, after the adjournment, to file their papers of the Senate and House of Representatives, in the Secretary's office, and close up their business; for which each of them shall be allowed their *per diem*, and thirty cents per page for copying the unfinished Journals; and that the Comptroller issue his warrant for the same. **Clerks shall remain.**

SEC. 4. *Be it further enacted*, That the Comptroller issue his warrant to, and pay, the several publishers of the City papers, for the papers actually furnished and subscribed for by the General Assembly, and laid upon the tables of each member, every day of the session, at the current subscription price of the same. Said payment shall be made in accordance with a resolution adopted by the present General Assembly, regulating **City papers**

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the number of papers each member shall receive at the expense of the State, for which he actually subscribed.

Speaker of House of Representatives.

SEC. 5. *Be it further enacted*, That the Hon. F. S. Richards, Speaker of the House of Representatives, shall remain a sufficient time after the adjournment, to close up his official business; and, that he be allowed his *per diem*, and that the Comptroller issue his warrant for the same.

Clerks.

SEC. 6. *Be it further enacted*, That the Comptroller issue his warrant to David M. Nelson, Principal Clerk of the Senate, and Geo. Edgar Grisham, Principal Clerk of the House of Representatives, for one hundred dollars each, for making out and preparing Indexes to the Journals of the Senate and House of Representatives, for the present session; *Provided*, That they shall not be entitled to *per diem* while engaged in making the Indexes.

Postage Stamps.

SEC. 7. *Be it further enacted*, That the Comptroller issue his warrant to each member and officer of the Senate and House of Representatives for "ten dollars," to procure postage stamps for the use of the members and officers of the same.

Speaker of Senate.

SEC. 8. *Be it further enacted*, That the Hon. D. W. C. Senter, Speaker of the Senate, shall remain a sufficient time after the adjournment, to close up his official business, and he be allowed his *per diem;* and that the Comptroller issue his warrant on the Treasurer for the same.

Engrossing Clerks.

SEC. 9. *Be it further enacted*, That the Engrossing Clerk of the House of Representatives, and the Engrossing Clerk of the Senate, remain at the Capitol, after the adjournment, a sufficient time to enroll the Acts that are not enrolled at the adjournment, and that they be allowed their *per diem* for the same; and that the Comptroller issue his warrant on the Treasurer for the same.

Acts and Journals for members.

SEC. 10. *Be it further enacted*, That the Secretary of State cause one copy of the Acts and Journals of the present General Assembly, to be bound for each member of both Houses, and the officers of the same, and distributed with other Acts and Journals.

Job Printing.

SEC. 11. *Be it further enacted*, That the Secretary of State, and Comptroller of the Treasury, examine the accounts for Job Printing, executed for the General Assembly, and pay the same as per rates specified by law, out of any money in the Treasury not otherwise appropriated.

Gas.

SEC. 12. *Be it further enacted*, That the Comptroller issue his warrant to the Nashville Gas-Light Company for the amount due them for gas furnished at the Capitol.

Sup't of Capitol.

SEC. 13. *Be it further enacted*, That the Superintendent of the Capitol and Capitol grounds, take charge of

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the Senate Chamber, Representative Hall, the different Committee rooms, and all the furniture belonging thereto, and preserve the same from abuse and decay, in such manner as he may deem best for the interest of the State, any law to the contrary notwithstanding; and that the Comptroller issue his warrant on the Treasurer to the Superintendent of the Capitol and Capitol grounds, for such amount as may be necessary for the discharge of the duties imposed by this section. Halls and Furniture.

SEC. 14. *Be it further enacted*, That the sum of fifty dollars be allowed James F. Lauck, Engrossing Clerk of the House, for extra services in keeping an index to the written Journals of the House, for the benefit and convenience of the members thereof. James F. Lauck.

SEC. 15. *Be it further enacted*, That the sum of fifty dollars be allowed Wm. Baker, Engrossing Clerk of the Senate, for extra services in keeping an index to the written Journals of the Senate, for the benefit and convenience of the members thereof. Wm. Baker.

SEC. 16. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, in favor of W. T. Berry, for the sum of $252.25, for stationery used by the General Assembly in 1866 and 1867; also, $207.00, for stationery used by the House in the impeachment of Thomas N. Frazier; also, a warrant for the sum of $358.69, for stationery used by the State Departments; and also, a warrant for the sum of $2,789.60, for stationery used by the General Assembly in 1867 and 1868. W. T. Berry.

SEC. 17. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, in favor of William Gamble & Co., for $287.40, for stationery used by the General Assembly in 1867 and 1868. Wm. Gamble & Co.

SEC. 18. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, in favor of Bill Wait, (colored,) for attending to the Water-Closet during the session of 1867 and 1868, for $30.00. Bill Wait.

SEC. 19. *Be it further enacted*, That the Comptroller issue his warrant to each of the members and officers of this General Assembly, named in this Act, for the amount of his mileage and *per diem*, from 7th day of October, 1867, to the close of the present session, payable in specie, or its equivalent, at forty per cent., that being a fair average of specie for all the time; *Provided*, That the amounts received by the Clerks of the Senate, and the Clerks of the House, for extra work done, by order of their respective Houses, in copying the Journals, etc., be included in their accounts, respectively, upon which they shall receive the benefit of Senate Joint Resolution No. 110. Members and officers to be paid in specie

SEC. 20. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer to W. T. Berry & Co., W. T. Berry & Co.

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for the sum of $53.50, for stationery used by the Adjutant-General's office for the year 1867.

A. Hill and J. C. Martin.

SEC. 21. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer to Anderson Hill, and James C. Martin, former Door-keepers of the House of Representatives, for the sum of eight dollars ($8.00, each, for two days, *per diem* in the organization of the present House of Representatives.

Capt. Wm. Heydt.

SEC. 22. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer to Wm. Heydt, Sergeant-at-Arms of the House of Representatives, for the sum of one hundred and thirty-two dollars and seventy-five cents, ($132.75,) as per House Joint Resolution No. 67.

Reporter of Frazier trial.

SEC. 23. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer for four hundred dollars, to the Reporter in the Frazier impeachment trial, as per Senate Joint Resolution, No. 18.

Geo. Edgar Grisham.

SEC. 24. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, to Geo. Edgar Grisham, Principal Clerk of the House of Representatives, for one hundred and fifty dollars, ($150.00,) as per House Joint Resolution No. 121.

J. W. Tarkington.

SEC. 25. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer to J. W. Tarkington, for three hundred and thirty-three dollars and thirty-three cents, ($333.33,) as per Senate Joint Resolution No. —.

Capt. Wm. Heydt.

SEC. 26. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer to Capt. Wm. Heydt, for the sum of one thousand seven hundred and sixty-nine dollars and sixty-one cents, ($1,769.61,) as per House Joint Resolution No. 83.

W. G. Cockrill.

SEC. 27. *Be it further enacted*. That the Comptroller issue his warrant on the Treasurer to W. G. Cockrill, for one hundred and sixty ($160.00) dollars, as per House Joint Resolution No. 70.

Thomas B. McElwee.

SEC. 28. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer to Thos. B. McElwee, for two hundred and fifty ($250.00) dollars, as per Senate Joint Resolution No. 44.

H. P. Murphy

SEC. 29. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer to H. P. Murphy and J. W. M. Grayson, for the sum of one hundred and twenty-two ($122.00) dollars each, as per House Joint Resolution No. 41.

W. J. Hurt.

SEC. 30. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer to W. J. Hurt, for the sum of one hundred ($100.00) dollars, as per House Joint Resolution No. 56.

SEC. 31. *Be it further enacted*, That the Comptroller

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issue his warrant on the Treasurer, to C. C. Alexander, for the sum of one hundred and twenty-six ($126.00) dollars, for services rendered as Second Assistant Clerk of the House of Representatives; *Provided*, That he shall also receive the benefit of section 19 of this Act. C. C. Alexander.

SEC. 32. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, to William Heydt, Sergeant-at-Arms, on account of expenses incidental to the procuring the attendance of witnesses before the Committee raised under House Resolution No. 79, to take evidence in the case of Judge Thomas Barry, and that the same be paid out on the presentation of special vouchers approved by said Committee, for services rendered by persons employed by him in carrying out the intent and purpose of said Resolution. Wm. Heydt. Case of Judge Barry.

Report of the Committee on Finance, showing the mileage and per diem allowance of the members of the Senate and House of Representatives, at the Regular Session of the Thirty-Fifth General Assembly, and the aggregate amount of each:

SENATORS' NAMES.	No. of Days.	Per Diem.	Miles tr'v'd	Mileage.	Total Amt.	
Aldridge, John	162	$648	500	$80 00	$728 00	
Cate, A. M.	162	648	366	58 72	706 72	
Eckel, Joseph	162	648	626	100 16	748 16	
Eaton, R. P.	162	648	492	78 72	726 72	
Elliott, W. Y.	162	648	62	9 92	657 92	
Frierson, J. B.	162	648	106	16 96	664 96	
Fuson, J. A.	162	648	120	19 20	667 20	
Garner, W. A.	162	648	192	30 72	678 72	
Henderson, S. M.	162	648	416	66 56	714 56	
Keith, G. W.	162	648	570	91 20	739 20	Members and Officers of Senate, etc.
Lindsley, A. V. S.	64	256	....	.....	256 00	
Lyle, Berry	162	648	250	40 00	688 00	
Matthews, W. T. S.	162	648	500	80 00	728 00	
McCall, J. R.	162	648	600	96 00	744 00	
Nelson, P. P. C.	162	648	727	116 32	764 32	
Norman, John	162	648	226	36 16	684 16	
Patterson, H. S.	162	648	120	19 20	667 20	
Parker, S.	162	648	174	27 84	675 84	
Rodgers, John B.	162	648	240	38 40	686 40	
Smith W. J.	162	648	620	99 20	747 20	
Underwood, C.	162	648	306	48 96	696 96	
Wisener, W. H.	162	648	126	20 16	668 16	
Wyatt, William	162	648	210	33 60	681 60	
Wilson, David	162	648	240	38 40	686 40	
Senter, D. W. C., Speaker	162	972	596	95 36	1067 36	
				Total, ...	$17,473 76	

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Members and Officers Ho. of Rep., etc.

REPRESENTATIVES' NAMES.	No. of Days.	Per Diem.	Miles tr v'd	Mileage	Total Amt.
Agee, J. H.	162	$648	606	$96 96	$744 96
Allen, R. J.	162	648	500	80 00	728 00
Anderson, John	162	648	350	56 00	704 00
Baker, J. W.	162	648	700	112 00	760 00
Bean, C. C.	162	648	100	16 00	664 00
Bowles, John	162	648	248	39 68	687 68
Brown, J. W.	162	648	164	26 24	674 24
Blackman, L. M.	162	648	500	80 00	728 00
Bloom, G. M.	162	648	428	68 48	716 48
Bosson, William	162	648	64	10 24	658 24
Brewer, David	162	648	220	35 20	683 20
Carter, B. M.	162	648	140	22 40	670 40
Chiles, J. C.	162	648	560	89 60	737 60
Carey, John	162	648	200	32 00	680 00
Cagle, M. J. J.	162	648	100	16 00	664 00
Cason, Faver	162	648	80	12 80	660 80
Cordell, J. M.	162	648	650	104 00	752 00
Dame, G. W.	64	256	266	42 56	298 56
Doughty, J. A.	162	648	560	89 60	737 60
Dowdy, Rufus	162	648	264	42 24	690 24
Dyer, J. C.	162	648	590	94 40	742 40
Faulkner, L. L.	162	648	210	33 60	681 60
Galbraith, R.	162	648	126	20 16	668 16
Graves, M. A.	162	648	200	32 00	680 00
Griffith, J. T.	162	648	452	72 32	720 32
Gilmer, J.	162	648	112	17 92	665 92
Grayson, J. W. M.	113	452	820	131 20	583 20
Hale, James	162	648	630	100 80	748 80
Hodges, E. J.	162	648	460	73 60	721 60
Hewatt, R. A.	162	648	350	56 00	704 00
Hamilton, T. A.	162	648	600	96 00	744 00
Hamilton, J. H.	162	648	206	32 96	680 96
Hammer, J. M.	162	648	594	95 04	743 04
Hunt, T. S.	162	648	120	19 20	667 20
Hacker, N.	162	648	720	115 20	763 20
Inman, S. H.	162	648	630	100 80	748 80
Inman, Charles.	162	648	600	96 00	744 00
Jordan, W.	162	648	50	8 00	656 00
Johnson, W. H.	162	648	560	89 60	737 60
Kercheval, T. A.	162	648	....	.....	648 00
Lillard, A. F.	162	648	100	16 00	664 00
Medlin, Robert	162	648	450	72 00	720 00
Meyers, Vincent	162	648	610	97 60	745 60
McFall, D. M.	162	648	36	5 76	653 76
McKinley, Thompson	162	648	52	8 32	656 32
Morris, Hiram	162	648	132	20 80	668 80
Martin, J. M.	162	648	200	32 00	680 00

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REPRESENTATIVES' NAMES.	No. of Days.	Per Diem.	Miles tr'v'd	Mileage.	Total Amt	
McNair, J. E.	162	648	270	43 20	691 20	
Mynatt, L. M.	162	648	555	88 80	736 80	
Mason, T. J.	162	648	472	75 52	723 52	
Moore, J. A.	162	648	500	80 00	728 00	
Poston, W. T.	162	648	400	64 00	712 00	
Puckett, I. N.	162	648	146	23 36	671 36	
Porter, J. J.	162	648	360	57 60	705 60	
Prosser, W. F.	162	648	16	2 56	650 56	
Prestwood, J. A.	162	648	268	42 88	690 88	
Pitts, Alfred	162	648	356	56 96	704 96	
Reeves, J. O. K.	162	648	624	99 84	747 84	
Reed, J. P. C.	162	648	172	27 52	675 52	
Robinson, W. T.	162	648	120	19 20	667 20	
Ryder, M. T.	162	648	600	96 00	744 00	Same.
Roach, J. J.	162	648	250	40 00	688 00	
Singletary, F. S.	162	648	762	121 92	769 92	
Shepherd, W. H.	162	648	640	102 40	750 40	
Smith, T. A.	162	648	262	41 92	689 92	
Sparkman, James	146	584	250	40 00	624 00	
Stone, J. C.	162	648	280	44 80	692 80	
Taylor, I. A.	162	648	754	120 64	768 64	
Taylor, Jesse	162	648	260	41 60	689 60	
Thornburgh, J. W.	162	648	628	100 48	748 48	
Thornburgh, D. G.	162	648	576	92 16	740 16	
Thompson, G. W.	162	648	126	20 16	668 16	
Turner, W. P. H.	162	648	196	31 36	679 36	
White, W. O.	162	648	360	57 60	705 60	
White, J. B.	162	648	704	112 64	760 64	
Woodcock, W. M.	162	648	150	24 00	672 00	
Woodard, John	162	648	50	8 00	656 00	
Welsh, John	162	648	796	127 36	775 36	
Walker, J. P.	162	648	370	59 20	707 20	
Waters, W. L.	162	648	90	14 40	662 40	
Williams, E, S.	162	648	120	19 20	667 20	
Wines, G. W.	162	648	125	20 00	668 00	
Richards, F. S., Speaker.	162	972	600	96 00	1068 00	
				Total,	$58,210 56	

SEC. 33. *Be it further enacted*, That the Comptroller issue his warrant upon the Treasurer, to W. M. Woodcock, for amount of twelve hundred ($1,200) dollars; also, to Enos Hopkins, for amount of four hundred ($400) dollars, for coal, for the use of the State Capitol. W. M. Woodcock.

SEC. 34. *Be it further enacted*, That the Comptroller issue his warrant upon the Treasurer for four ($4.50) dollars and fifty cents, to W. Heydt, for Express charges. Wm. Heydt, Express charges.

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ges upon public documents sent to members of the General Assembly.

Buck Lewis.

SEC. 35. *Be it further enacted*, That the Comptroller issue his warrant upon the Treasurer, to Buck Lewis, Porter of the House of Representatives, for four hundred and twenty ($420) dollars, as per Resolution No. 110.

Herman Bokum.

SEC. 36. *Be it further enacted*, That the Comptroller issue his warrant upon the Treasurer, to Herman Bokum, for two thousand copies of his Hand Book, for one thousand ($1,000) dollars, as per Resolution No. 35, adopted Nov. 12, 1867.

R. B. Cheatham.

SEC. 37. *Be it further enacted*, That the Comptroller issue his warrant to R. B. Cheatham, Treasurer of the Board of Immigration of the State of Tennessee, for one thousand ($1,000) dollars, as per Act, section 8, passed Dec. 4, 1867.

State Penitentiary.

SEC. 38. *Be it further enacted*, That the sum of fifty-five thousand ($55,000) dollars, be, and the same is hereby, appropriated, to pay the indebtedness incurred on account of the State Penitentiary, to the first of March, 1868; and the Comptroller, is hereby directed, to issue his warrant upon the Treasurer, for the payment of the same; but no debt shall be paid out of this appropriation, without having been previously audited and approved, and ordered to be paid, by the Board of Finance of the State of Tennessee; *Provided*, That no portion of the costs or expenses incurred by the Commissioners of the Penitentiary, in the prosecution instituted by them, against Hull, former Warden of the Penitentiary, shall be paid.

Proviso.

Asylum for Colored Insane.

SEC. 39. *Be it further enacted*, That the sum of eight thousand ($8,000) dollars, be, and the same is hereby, appropriated for the completion of the Asylum for the colored insane, to be drawn and used as now provided by law.

Hos. for the Insane.

SEC. 40. *Be it further enacted*, That the sum of forty-five thousand ($45,000) dollars, be appropriated, in addition to pay patients, for current expenses of the Hospital for the Insane, and five thousand ($5,000) dollars, for improvements and repairs, *per annum*.

Heirs of R. S. Raulston.

SEC. 41. *Be it further enacted*, That the Comptroller issue his warrant upon the Treasurer, for four hundred and thirty-two ($432.32) dollars and thirty-two cents, to the heirs, or representatives of Robert S. Raulston, late Representative of Marion County, which is the amount of mileage and *per diem* due him, and which shall be paid in compliance with section 19, of this Act.

A. Gattinger.

SEC. 42. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, to Dr. A. Gattinger, Librarian, for the sum of twenty-eight ($28) dollars, be-

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ing the amount paid by him to J. J. Alexander, for his services, during the sickness of said Gattinger.

SEC. 43. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, to Frank Hyberger, for the sum of thirty-six ($36) dollars, for six days' services as Clerk of the Senate. F. Hyberger.

SEC. 44. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, to Eugene Cary, for three hundred and sixty ($360) dollars, for ninety days' services, as Senator from Davidson County; and that the same be paid out of the Treasury, and that he be entitled to the benefits of section 19, of this Act. Eugene Cary.

SEC. 45. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, to R. P. Ledbetter, Representative from Williamson, Maury, and Lewis, for two hundred and forty-three ($243.60) dollars and sixty cents, for fifty-nine days' services in the session of 1866–'67, and one hundred and ten miles traveled, which was not included in the Appropriation Bill of that session; and that the same be paid out of the Treasury, and that he be entitled to the benefits of section 19, of this Act. R. P. Ledbetter.

SEC. 46. *Be it further enacted*, That the Comptroller issue his warrant to David Beaty, for ninety-six ($96.32) dollars and thirty-two cents, his mileage and *per diem*, while attending, under the impression that he had been duly elected—the seat of the Hon. G. W. Keith,—as per Resolution No. —. David Beaty.

SEC. 47. *Be it further enacted*, That the Comptroller issue his warrant to ———, for thirty-seven ($37.50) dollars and fifty cents, for ice furnished this General Assembly. Ice.

SEC. 48. *Be it further enacted*, That the Comptroller issue his warrant to Marshall & Bruce, for sixty ($60.50) dollars and fifty cents, for the books furnished the Clerks of the Senate and House of Representatives. Marshall & Bruce.

SEC. 49. *Be it further enacted*, That the Comptroller issue his warrant to John W. Barry, for one hundred ($100) dollars, for chaptering, collating, and writing marginal references to the Acts of the last session; and fifty ($50) dollars, for chaptering, collating, and writing marginal references to the Acts of the present session. Said fifty dollars are to be paid when a copy of the Acts are presented to the Comptroller. J. W. Barry.

SEC. 50. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 13, 1868.

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CHAPTER LXXXVII.

AN ACT to Provide for the Election of Clerk of the Law Court of Memphis; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all Acts or parts of Acts devolving the duties of Clerk of the Criminal Court of Memphis, upon the Clerk of the Law Court of Memphis, and constituting him Clerk of said Criminal Court, or requiring the Clerk of the Law Court of Memphis and the Criminal Court of Memphis, to perform the duties of Clerk to both of said courts, and constituting one person Clerk of both courts, are, hereby, repealed, and the following provisions shall stand in lieu thereof:

Repealed.

SEC. 2. *Be it further enacted*, That at the election for county officers, to be held on the first Saturday of March next, there shall be elected, by the qualified voters of Shelby County, a Clerk for the Law Court of Memphis, who shall hold his office for the same term, and qualify and give bond, and be entitled to the same fees as Clerks of the Circuit Courts of this State, who shall perform the duties of Clerk for said Law Court of Memphis, and no other.

Election for Clerk of Law Court.

SEC. 3. *Be it further enacted*, That at the aforesaid election for county officers, there shall be elected, by the qualified voters of the Fifth, Thirteenth, and Fourteenth Civil Districts of said county of Shelby, a Clerk for the Criminal Court of Memphis, who shall hold his office for the same term, and qualify and give bond, and be entitled to the same fees as Clerks of the Circuit Court of this State, who shall perform the duties of Clerk of said Criminal Court of Memphis, and no other.

Election for Clerk of Criminal Court.

SEC. 4. *Be it further enacted*, That in case of failure to elect, the aforesaid clerks, or the person elected as aforesaid, shall fail to qualify or give bond as required by law, then the Judge of said court, as the case shall be, shall fill the vacancy by suitable appointment, until an election can be had as provided by law, for filling like vacancies.

Failure to elect, or to give bond.

SEC. 5. *Be it further enacted*, That all Acts or parts of Acts of this State, requiring the Clerk of the County Court of Shelby County to discharge the duties of Recorder to the Board of County Commissioners of Shelby County, are, hereby, repealed, and, that at the election for county officers, to be held on the first Saturday of March next, there shall be elected, by the qualified vo-

Election for Recorder.

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ters of Shelby County, a Recorder to said Board of County Commissioners, who shall hold his office for the term of two years, and qualify as other county officers; and before entering upon his office, shall execute a bond to the State of Tennessee, with securities for the faithful performance of his duties, the penalty of which, shall be fixed, and said bond approved by said Board of Commissioners; and who shall perform the duties of Recorder to said Board of Commissioners, the same as heretofore performed by the Clerk of said County Court, and no other; and shall be entitled to the same fees said County Clerk was entitled to by law, for said services; and in case of failure to elect a Recorder as aforesaid, or the person so elected shall fail to qualify or give bond, or should any vacancy occur in said office of Recorder at any time, said Board of Commissioners shall fill the same by suitable appointment, until the next election for county officers.

Term of office, duties, bond, etc.

Vacancy.

SEC. 6. *Be it further enacted*, That all Acts or parts of Acts, constituting the Clerk of the County Court of Shelby County, the collector of taxes on privileges for the State of Tennessee and the County of Shelby, and authorizing or requiring him to collect or receive the same, are, hereby, repealed; and there shall, on the first Saturday of March next, be elected by the qualified voters of Shelby County, a collector of taxes on privileges for said county of Shelby, who shall hold his term of office for two years, and qualify and give bonds, as heretofore required by said County Court Clerk, for the performance of said duties, and receive the same fees; and all laws heretofore applicable to said County Court Clerk as collector of taxes on privileges, shall be applicable to and govern said collector of taxes on privileges herein provided for; and in case of failure to elect a collector as aforesaid, or the person elected shall fail to qualify, or give bond according to law, or should any vacancy occur in said office, the Board of County Commissioners of Shelby County shall fill the same by suitable appointment, until the next election for county officers.

Election for Tax Collector.

Vacancy.

SEC. 7. *Be it further enacted*, That it shall be the duty of said collector of taxes on privileges, to collect and pay over the taxes on privileges due the State of Tennessee and County of Shelby, as heretofore required by law, of the County Court Clerk of Shelby County, and he shall perform no other official duty.

Duties of Collector.

SEC. 8. *Be it further enacted*, That nothing in this Act shall affect the duties of the County Court Clerk of

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County Court Clerk.

Shelby County, as Clerk of the Probate Court of said county, and the Clerk of said County Court shall be elected as heretofore, and perform the duties of Clerk to said County Court, as a Court of Probate, and shall perform no other duty.

Com'rs to provide offices.

SEC. 9. *Be it further enacted*, That the Board of County Commissioners of Shelby County shall provide suitable rooms for the aforesaid officers; and said officers, and all county officers, shall occupy such rooms, and no others, as public offices, than those provided by said Board for their respective offices.

Effecting clause.

SEC. 10. *Be it further enacted*, That this Act, as to the Clerk of the County Court, take effect on the first day of March, 1870; and that this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 4, 1868.

CHAPTER LXXXVIII.

AN ACT to Change the Eighth and Second Chancery Divisions of the State; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County of McMinn, in the Eighth Chancery Division of this State, be, and the same is hereby, attached to the Second Division of the State.

Explanatory of Act of March 4, '68, Chap. 87.

SEC. 2. *Be it further enacted*, That the true intent and meaning of the Act, entitled "An Act to provide for the election of a Clerk of the Law Court at Memphis, and other officers of Shelby County," passed March 4, 1868, was, that a Clerk for the said Law Court of Memphis, and a Clerk of the Criminal Court of Memphis, respectively, should be elected at the election held in Shelby County, on Saturday the 7th day of March, (1868,) eighteen hundred and sixty-eight, and the persons who received, at the said election, the largest number of votes for each of said offices, according to the pro-

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visions of said Act, are, hereby, declared legally elected to fill the same for the term of four years.

Judge of the Fifth Judicial Circuit.

SEC. 3. *Be it further enacted*, That on and after the passage of this Act, the Judge of the Fifth Judicial Circuit, and his successors in office, shall have equity jurisdiction; and said Judge shall, in the town of Spencer, in in Van Buren County, commence at the same time of his regular term of holding Circuit Courts in said county, and hear and determine such Chancery causes as may be ready for trial; and for such purposes, shall have all the powers of a regular Chancellor.

Clerk & Master.

SEC. 4. *Be it further enacted*, That said Judge is hereby authorized to appoint a competent man to act as Clerk and Master of said court.

Act of March 8, '67, amended.

SEC. 5. *Be it further enacted*, That section 9, of An Act to amend section 3114, Article 2, Chapter 4, of the Code, passed March 8, 1867, be so amended as to read as follows: That in addition to the property now exempt from execution, there shall be exempt from garnishment attachment, or execution, the wages of any person, married or single, white or black, laboring for compensation, to the extent and amount of one hundred dollars.

Davidson County Criminal Judge.

SEC. 6. *Be it further enacted*, That, hereafter, the Judge of the Criminal Court of Davidson County, shall have the power to appoint the Coroner, or one or more Constables of said county, to wait upon said court, and to perform the orders, and execute and return the process of said court during its sessions, who shall be entitled, for said services, to the same compensation and fees which they are now entitled to by law, for such services.

Chan. Court of Benton County.

SEC. 7. *Be it further enacted*, That the February Term of the Chancery Court of Benton County, shall be held on the fourth Monday of said month, instead of the third Monday.

Chan. Court at Livingston.

SEC. 8. *Be it further enacted*, That section 4, of An Act passed on the 25th of February, 1867, entitled "An Act to change the time of holding the Circuit Courts in Jackson County, and for other purposes," be so amended, that hereafter, the Chancery Courts at Livingston, for Overton County, be held on the third Monday in March, and the second Monday in November, of each year, and that this Act take effect from its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 13, 1868.

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CHAPTER LXXXIX.

AN ACT for the Benefit of the Register of the Mountain District, and others.

Office, fees, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall, and may be lawful for the Register of the Mountain District Land Office, to open and keep his office at his own house; and that said Register, shall be entitled to the same fees for issuing grants, or giving copies from the books of his office, that are now allowed, by law, to the County Registers of the State for registering deeds.

To register lost grants, etc.

SEC. 2. *Be it further enacted*, That, in any case, where any of the books of said office are lost, or mislaid, or destroyed, and the original grant, or a certified copy of the same, shall be presented to the Register of the said Mountain District, he shall register the same, in order to perpetuate said land title, for which he shall be entitled to fees allowed by law, to Registers for registering deeds.

Offices of Register and Co. Court Clerk of Van Buren County.

SEC. 3. *Be it further enacted*, That the Register for the County of Van Buren, may keep his office at the place of his residence, or that of a deputy, and that the Clerk of the County Court of said county, may keep his office at the place of his residence; *Provided*, he shall have the records at the place of holding the County Court for said county, at the sittings of said court.

McMinnville.

SEC. 4. *Be it further enacted*, That, so much of the law chartering the town of McMinnville, in the County of Warren, as authorizes the election of a Justice of the Peace, be, and the same is hereby, repealed.

Register Mountain District to make Index.

SEC. 5. *Be it further enacted*, That the Register of the Mountain District may make an Index to all the books in his office, from the organization of said office to the present time, inclusive, where the indexes have been destroyed. Said indexes to give the number of grant, warrant, or entry, name of grantee, date, and number of page where recorded.

Compensat'n, how paid.

SEC. 6. *Be it further enacted*, That said Register, for his services, shall receive, as compensation, ten cents for every grant, warrant, or entry, so indexed, payable by the Treasurer of said State upon the warrant of the Comptroller; and the said Comptroller is hereby authorized to issue his warrant for said compensation to said Register, on said Register presenting his Index complete as aforesaid; and that the cost of material, and binding the books,

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together with all other necessary books for said office, shall be paid by the State. This Act to take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 17, 1867.

STATE OF TENNESSEE,
OFFICE OF THE SECRETARY OF STATE,
Nashville, May 6, 1868.

I, ANDREW J. FLETCHER, Secretary of State of the State of Tennessee, hereby certify that I have carefully collated the foregoing documents, with authentic copies on file in my office, and find them correctly printed.

A. J. FLETCHER,
Secretary of State.

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INDEX

TO

PUBLIC ACTS.

1867—68.

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INDEX.

	Chap.	Sec.	Page.
A			
Abstracts by Memphis Abstract Co., evidence	42	1	50
Adjutant General, duties and pay of	21	2	22
" " of State, to give bond	70	7	91
Advertisements, legal law as to publication of	37	1	40
Agricultural College, Act to accept donation to	32	1	33
Appropriations	86	...	117
Attorneys in Justices and County Courts	24	1	24
Attorney General for Sumner County	45	1	52
B			
Banks, Supervisor of, office abolished	55	1	70
Board of Finance	69	1	87
Board of Immigration	15	2	11
Bonds, Title, to be evidence of title	59	1	74
Boone, A. E., to take charge of certain offices	39	1	43
" " to make certain settlements	39	2	43
C			
Contracts prejudicial to voter's rights, void	67	10	86
Claim Commissioners, may administer oaths	71	1	91
" " time extended	71	1	91
Comptroller to pay Register's costs and fees	72	2	93
Common School Law amended	83	1	109
Comparing polls of 4th and 14th Senatorial and Flotorial Districts	5	1	5
" Flotorial Districts of Benton and Humphreys	7	1	6
" " " of Fentress, Scott, etc	7	2	6
Comptroller to issue warrant to Directors of Penitentiary	9	1	7
" how to pay certain Bills of Cost	59	2	74
Counties, Weakley attached to 16th Judicial Circuit	1	1	3
" Lauderdale attached to 14th Judicial "	1	1	3
" Henderson " to 13th " "	1	1	3
" Carter, may take stock in W. N. C. Railroad	27	5	27
" Perry, citizens of, may appeal to Supreme Court at Nashville	74	1	94
" Union to have additional civil district	82	11	109
" Cheatham to have County Judge	30	1	29
" Hickman and Lawrence attached to 4th Chancery division	64	1	79
" Madison to have County Commissioners	65	1	80
" Carroll attached to 5th Chancery District	45	6	53
Circuits, Judicial, 13th, 14th and 16th, changed	1	1	3
Chattanooga, Law and Chancery Court of, Jurisdiction of	36	3	39
" Met. Police of, Act for benefit of	26	1	26

Digitized by Google

	Chap.	Sec.	Page.
Courts, County, when to pay County Guards	33	1	84
" " " " for Register's Books	62	2	78
" Criminal, law creating, amended	49	1	60
" Officer waiting on, to be compensated	67	1	85
" may fix day of trial, where State is interested	67	6	86
Court, Supreme, removed to Brownsville	46	1	54
County Judges, for Perry, Decatur, Cheatham, Lauderdale, Henry, Weakley and Obion	30	29	1
" " for Lincoln, Hamilton, Franklin, Lawrence and Giles	47	1	54
" " " Sullivan	47	16	57
" " " Wilson	47	20	58
Color or race, no disqualification for office	31	1	82
Congress, Act of, donating lands, etc., accepted	32	1	83
County Guards, when to be employed	33	1	84
County Police, Governor to establish, when	33	7	86
Cotton, vendor's lien on, declared	36	1	89
Clerks of Courts of Memphis	87	...	126
Clerks, Sheriffs, etc., where to publish legal notices	37	1	40
Clerks of Memphis Courts, how elected	88	2	128
Claim Agents, General and County	40	1	44
Comptroller to audit certain claims for taxes improperly collected	43	2	51
Code, amended	44	1	52
Commissioner of Roads, office of, abolished	48	9	60
Crimina: District, law creating, amended	49	1	60
Commissioners of Registration to hold elections	51	1	67
Congress, members of, when and how elected	52	1	69
Code amended, enlarging definition of a felony	57	1	71
Criminal Law, felony to destroy landmarks	57	1	71
Costs, bills of, how paid by Comptroller	59	2	74
Constable waiting on Court, compensated	67	1	85
County Commissioners for Benton County	65	6	82
" " " Coffee "	65	6	83
" " " Davidson "	58	1	72
" " " Dyer "	65	6	82
" " " Grundy "	65	6	82
" " " Humphreys "	65	6	83
" " " Montgomery "	65	6	83
" " " Madson "	65	1	80
" " " Sumner "	19	1	17
" " " " " may fund debt	67	5	86
" " " Putnam "	65	6	83
" " " Stewart "	68	6	82
" " " White "	65	6	83
" " " Warren "	19	11	20
County Court of Benton, abolished	65	6	82
" " " Cheatham "	30	29	1
" " " Coffee "	65	6	82
" " " Dyer "	65	6	82
" " " Davidson "	58	6	73
" " " Decatur "	30	29	1
" " " Grundy "	65	6	82
" " " Henry "	30	15	22
" " " Humphreys "	65	6	83
" " " Lauderdale "	30	29	1
" " " Montgomery "	65	6	83
" " " Madison "	65	6	82
" " " Obion "	30	15	22
" " " Perry "	30	29	1
" " " Putnam "	65	6	83
" " " Sumner "	19	6	19

Digitized by Google

	Chap.	Sec.	Page.
County Court of Stewart, abolished	65	6	82
" " " Van Buren "	19	12	20
" " " Warren "	19	11	20
" " " White "	65	6	83
" " " Weakley "	30	15	22
County Lines of Anderson and Campbell, changed	60	8	76
" " " Bedford "	82	8	109
" " " " and Rutherford "	13	7	10
" " " " and Marshall "	20	1	21
" " " Benton and Carroll "	20	4	21
" " " DeKalb and White "	82	9	109
" " " " " " "	12	1	9
" " " " " Cannon "	12	2	9
" " " " " Putnam "	82	5	108
" " " Cheatham and Montgomery "	82	6	108
" " " Claiborne and Union "	60	13	76
" " " Carroll and Henry "	20	5	21
" " " Cannon and Coffee "	60	12	76
" " " Dickson and Cheatham "	82	7	108
" " " Hawkins and Grainger "	13	2	10
" " " Hickman and Perry "	60	7	76
" " " Humphreys and Perry "	60	6	75
" " " Haywood and Lauderdale "	60	11	76
" " " Hancock and Hawkins "	60	23	75
" " " Hamilton "	36	2	39
" " " Lawrence and Wayne "	13	1	9
" " " Lincoln and Marshall "	20	3	21
" " " Marshall and Rutherford "	60	10	76
" " " Maury and Giles "	20	2	21
" " " Overton and Fentress "	13	3	10
" " " Putnam and Smith "	82	1	108
" " " Rutherford and Williamson "	13	6	10
" " " Smith and DeKalb "	82	2	108
" " " Scott and Campbell "	60	4	75
" " " Shelby and Tipton "	60	1	75
" " " Scott and Fentress "	60	5	75
" " " Smith and Putnam "	23	1	24
" " " " " "	23	2	24
" " " Rhea and Hamilton "	23	4	24
" " " Robertson and Davidson "	82	10	109
" " " Weakley and Obion "	82	4	108
" " " Wilson and Rutherford "	60	9	76
" " " Wayne and Hardin "	13	4	10
" " " Weakley and Obion "	13	5	10
" " " " " " "	20	6	21
Courts, Circuits, time of holding, for DeKalb County	45	4	53
" " " " Decatur County,	8	1	7
" " " " Dyer, "	38	5	42
" " " " Fayette "	4	1	4
" " " " Gibson "	38	5	42
" " " " Hickman "	64	2	79
" " " " Hardin "	8	1	7
" " " " Henry "	8	2	7
" " " " Henderson "	8	2	7
" " " " Lewis "	64	2	79
" " " " Lawrence "	62	2	79
" " " " Marshall "	67	2	85
" " " " McNairy "	8	1	7
" " " " Obion " (Tiptonville,)	38	5	42
" " " " Obion " (Troy,)	38	5	42

Digitized by Google

	Chap.	Sec.	Page.
Courts, Circuits, time of holding for Perry County,	8	1	7
" " " " Sumner "	45	5	53
" " " " Stewart "	67	9	86
" " " " Shelby "	4	2	5
" " " " Stewart "	16	1	13
" " " " Sumner "	45	2	52
" " " " Tipton "	2	1	4
" " " " Williamson "	45	9	53
" " " " Wayne "	8	1	7
" " " " Weakley "	38	5	42
" " " " 12th Circuit,	8	1	7
" " " " 16th Circuit,	38	5	42
" Circuit, of Davidson, to appoint Constable, etc.	88	6	129
" Chancery, time of holding, for Bedford County	36	1	39
" " " " Benton "	38	7	129
" " " " Franklin "	45	9	53
" " " " Giles "	67	3	85
" " " " Giles "	64	1	79
" " " " Hickman "	64	1	79
" " " " Jackson "	45	7	53
" " " " Lawrenceburg	45	8	53
" " " " Lawrence County	64	1	79
" " " " Lawrence "	29	1	29
" " " " Maury "	64	1	79
" " " " Marshall "	64	1	79
" " " " Overton "	38	8	129
" " " " Smith "	67	4	85
" " " " Williamson "	64	1	79
" " " " 18th Chancery Division,	38	1	42
Chancery Divisions, changed	38	8	128

D

Davidson County, Jailer of, how elected,	77	1	95
Davidson County, to have additional Notary Public,	77	4	96
Debt of State provided for	69	1	87
Decisions of Supreme Court, how printing of, corrected	61	1	77
Decatur County Courts in, when held,	8	1	7
Decatur County to have county Judge,	30	1	29
Directors, State, in railroads, rights of	17	14	16
Disabilities for holding office and sitting on juries, removed	31	1	32
Directors, State in railroads, powers and duties of	48	1	58
Divorce, law to amend	63	1	78
Drunkenness, cause for divorce,	63	1	78
Divorce, law of, amended,	68	1	87
Drunkenness, cause for divorce,	68	1	87

E

Election of Criminal Judge provided for,	49	3	60
Election of Members of Congress, when and how,	53	1	69
Elections to be held by Commissioner of Registration,	51	1	67
Evidence, Abstracts of, Memphis Abstract Company,	42	1	50
Evidence, Title Bonds to be evidence of title,	59	1	74
Evidence, parties interested competent witnesses	75	1	94
Exemption laws extended,	85	1	116
Exemption laws extended,	88	2	129
Expenses of General Assembly,	86	...	117

Digitized by Google

	Chap.	Sec.	Page.
F			
Fayette County, time of holding Circuit Courts in	4	1	4
Fees of Mountain Register,	89	6	139
Felony to destroy land or line marks,	57	1	71
Finance, Board of	69	1	87
Flotorial Districts, place of comparing polls of,	5	4	6
Flotorial Districts, " " "	7	1	6
Flotorial Districts, " " "	7	2	6
G			
Gallatin, town of, to have additional Justices of the Peace,	47	15	57
Governor, to revoke proclamation as to Isham G. Harris,	6	1	6
" with Secretary and Comptroller, to sell railroads, when	17	15	16
" to establish County Police, when,	38	7	36
" to designate papers to publish legal notices,	37	1	40
" may set aside registration of voters,	52	1	68
" may remove Register,	52	2	68
" Acts of, legalized	52	1	68
H			
Hamilton County, line of, changed,	86	2	89
Hardin County, Courts in, when held,	8	1	7
Harris, Isham G., Resolution in regard to, repealed,	6	1	6
Henry County, courts in, when held,	8	2	7
Henderson County added to Thirteenth Judicial Circuit,	1	1	3
Henderson County to have County Judge,	8	2	7
Henry County to have County Judge,	30	15	32
Hiwassee District, Records of Land Office of	34	1	38
Homestead exempted,	85	2	116
I			
Insurance Companies, tax on,	79	2	98
Insurance Companies, tax on,	10	1	8
Inspection of liquors, laws requiring, repealed	56	1	71
Immigration, Act to encourage,	15	1	11
Internal Improvement Laws amended, (Omnibus Bill,)	17	...	14
J			
Jailers, certain, how elected,	77	1	95
Judicial Circuits, (18th, 14th, and 16th,) changed,	1	1	3
Judges, County, for Perry, Decatur, Cheatham, Henry, Weakley, Obion, and Lauderdale,	30	29	1
Judges, County, for Lincoln, Hamilton, Franklin, Lawrence and Giles,	47	1	54
Judges, County, for Sullivan County,	47	16	57
Judge of Circuit Court of Van Buren County,	38	3	129
Judicial, Criminal District, amended,	49	1	60
Judges of Supreme Court, to correct opinions,	61	1	77
Judges may fix day of trial where State is interested,	67	6	86
Jurors, race or color, no disqualification for,	31	1	32
Justices and jurors, compensation of	14	1	11
Justices of Peace, Gallatin, to have additional	47	15	57
Justices of the Peace, law prohibiting from keeping his office out of his district, repealed,	54	1	70

Digitized by Google

	Chap.	Sec.	Page.
L			
Lauderdale County added to 14th Circuit	1	1	8
" " to have County Judge	30	15	32
Land Office, Act to dispose of records of, amended	34	1	38
" of Mountain District	89	1	130
Lawyers, County and Justices' Court	24	1	24
" taxed	79	5	100
Legal Notices regulated	37	1	40
License to County Court Lawyers	24	2	25
Lien of Vendor on Cotton, declared	35	1	39
Lincoln, County Court of, abolished	47	6	55
" " to have County Judge	47	1	54
Lien law, as to Mechanics, amended	50	1	61
Liquors, inspection of, dispensed with	56	1	71
Library, State, Act to improve	81	1	107
Loyal citizens, Act to recompense	40	1	44
M			
Mechanics, Act to protect	50	1	61
Memphis, Municipal Court of,	3	1	4
" additional voting precincts in,	25	1	25
" Abstract Company, examination of, to be evidence	41	1	50
" Clerk of Law Court of,	87	1	126
" Clerks of County Court of,	87	3	126
Metropolitan Police of Chattanooga, Act for the benefit of,	26	1	26
Military expenses, Act to reduce,	21		22
Misdemeanor to vote, when Registration set aside	52	3	68
" for Commissioner to fail to appoint Clerks and Judges	52	3	69
Montgomery County, Jailer of, how elected,	77	2	95
Mountain District	89	1	130
McMinnville, Charter of, amended,	89	4	130
McNairy County, Courts in, when held,	7	1	8
N			
Nashville, City of, authorized to issue bonds,	27	1	27
" authority to issue certain bonds, repealed,	27	4	27
" certain laws made applicable to,	34	3	38
Notices, Legal, publication of,	37	1	40
O			
Oath, to be taken by County Court Lawyers,	24	2	25
Oath, of Claimants and Claim Agents	40	6	45
Obion County, to have County Judge	30	15	32
"Omnibus," Appropriation Law	17		14
P			
Penitentiary, Act for the benefit of,	9	1	7
Perry County, Courts in, when held,	8	1	7
" " to have County Judge	30	1	29
" " citizens of, may appeal to Supreme Court, at Nashville	74	1	94
Polls, place of comparing, in 4th and 14th Senatorial Districts	5	1	5
" " " in Flotorial District	5	4	5
" " " in Benton and Humphreys	7	1	6
" " " in Fentress, Scott, etc.	7	2	6
Property, exempt from execution	85	4	116
Public Buildings, of United States, jurisdiction ceded	28	1	28
" " mutilation of,	28	3	28

Digitized by Google

	Chap.	Sec.	Page.
Q			
Quincy DeGrove, Act for the relief of,	84	1	115
R			
Railroads, appropriation of bonds to	17		14
" C. C. G. and C., Charter amended	17	3	14
" Carter County, may take stock in W. N. C. R. R.	27	5	27
" Commissioner of, abolished	48	9	60
" County, town, or city, stock in,	72	4	92
" Counties on N. C. T. & Ky. R. R., may take stock	72	6	92
" Evansville, Henderson & Nashville, to execute bonds and issue stock	17	12	15
" E. T. & W. N. C., Charter amended	78	2	97
" failure to pay interest, may be sold	17	15	16
" leasing and consolidating	72	1	92
" Lebanon & Gallatin, Charter amended	78	8	97
" State Directors in, rights of,	17	14	16
" " " of, powers and duties,	48	1	58
" Tennessee & Pacific, Charter amended	78	1	96
" Receivers, subject to Board of Finance	69	1	87
Revenue Laws, amended	10	1	8
" " "	79	1	98
Registration of voters, may be set aside	52	1	68
Registers of voters may be removed by Governor	52	2	68
" of Van Buren County	89	3	180
" of voters, Comptroller to pay	73	2	93
" of voters, to have fees and costs paid	73	1	93
" County, duties of,	62	1	77
" of Mountain District	88	1	180
" " " fees of	86	6	180
S			
Salary of Treasurer, increased	80	1	107
Schools, Common Law of, amended	83	1	109
Senatorial Districts, place of comparing polls in 4th	5	1	5
" " " " " in 14th	5	4	5
Shelby County, time of holding Circuit Courts in	4	2	5
Sheriff, Act for the protection of,	33	1	34
Staff of Governor, pay of, abolished	21	1	22
State Guards, law as to, amended	21	4	22
State Directors in Railroads, rights of,	48	1	58
State being a party, Courts may fix day of trial	67	6	86
State Guards, Act to equip and regulate	70	1	90
Staff, Governor's, pay of,	70	6	90
State Library, Act to improve	81	1	107
Sumner County, Commissioners of,	19	1	17
" " to have an Attorney-General	45	1	52
Supreme Court removed to Brownsville	46	1	54
" " opinions of, how published	61	1	77
Supervisor of Banks, office of, abolished	55	1	70
T			
Taxes, certain, to be refunded	48	1	51
Tax Collector relieved, when books destroyed	84	2	115
Tellico River, Navigation of,	18	1	16

Digitized by Google

	Chap.	Sec.	Page.
Tellico Manufacturing Company	18	1	16
Tipton County, time of Circuit Courts, in	2	1	4
Title Bonds, to be evidence of title	59	1	74
Turnpikes, law as to tolls, repealed	76	1	95
Treasurer, salary of, increased	81	1	107
U			
United States, public buildings of, not to be taxed, and title ceded	28	1	28
V			
Van Buren County, to have Commissioners	19	12	20
" " " Clerk of, and Register, where to keep his office	89	3	130
" " " Court of, abolished	19	12	20
" " " jurisdiction of Circuit Court of,	88	3	129
Vendors to have a lien on Cotton	35	1	39
Venue, when and how changed	44	1	52
" Law, regulating, repealed	67	8	86
Voters' rights, contracts prejudicial to, void	67	10	86
W			
Warren County, to have Commissioners	19	11	20
" " Court of, abolished	19	11	20
Wayne " Courts in, when held	8	1	7
Weakley " added to 16th Circuit	1	1	3
" " to have County Judge	30	15	32
Witnesses, fees of increased	11	1	8
" parties interested, competent	75	1	94

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PRIVATE ACTS.

CHAPTER I.

AN ACT to Repeal the 4th Section of Chapter 88, of An Act passed the 28th of February, 1860, entitled "An Act to Extend the Corporate Limits of Decaturville," &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 4th section of the 88th Chapter of An Act passed the 28th of February, 1860, entitled "An Act to extend the corporate limits of Decaturville," &c., be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed October 28, 1867.

CHAPTER II.

AN ACT to Amend the Act Incorporating the Town of New Middleton, in the County of Smith, passed May 25th, 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act incorporating the Town of New Middleton, be amended as follows: That the election of Municipal officers for said Town of New Middleton, be held on the first Saturday in December, 1867, and on the first Saturday in December, biennially, thereafter; and all laws conflicting with this Act, are hereby repealed. Election.

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SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed October 25th, 1867.

CHAPTER III.

AN ACT to Incorporate the Alexandria Lodge, No. 75, of Free and Accepted Masons, in the County of DeKalb, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Alexandria Lodge, No. 75, of Free and Accepted Masons, in Alexandria Town, in the County of DeKalb, be, and the same is hereby, constituted a body politic and corporate; and by the name and style of "Alexandria Lodge, No. 75, of Free and Accepted Masons; shall have succession for ninety-nine years; shall have a common seal; and by the name aforesaid, said corporation shall be capable, in law, to purchase, receive, hold to themselves and their successors and assigns forever, or for a less estate, any lands, tenements, goods, chattels, or money, which may be given, granted or devised to them, or by them purchased; and to use, sell, or dispose of the same, in such manner as said Lodge may determine right and proper; and said corporation shall, by their corporate name aforesaid, sue and be sued, plead and be impleaded, in any Court of Law or Equity, in this State, or elsewhere.

May hold property, etc.

SEC. 2. *Be it further enacted*, That the officers of this corporation, shall be—the Master of the Lodge; the Senior and Junior Wardens; and the services of processes issued against said corporation, upon either of said officers, shall be good and sufficient to bring said corporation before any Court of Law or Equity, in this State; and all deeds, conveyances, rights, and acquittances, bonds, obligations, or other papers, executed by said corporation, shall be signed by the Master of the Lodge, and attested by the Secretary, under the corporate seal, where seal is necessary.

Officers.

Documents.

SEC. 3. *Be it further enacted*, That the Smith Fork Lodge, No. 352, of Free and Accepted Masons, at Temperance Hall, DeKalb County, be, and the same is here-

Smith Fork Lodge, No. 352.

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by, incorporated, with all the rights, powers and privileges, conferred by Sections 1 and 2 of this Act, on Alexandria Lodge, No. 75.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed October 31, 1867.

CHAPTER IV.

AN ACT to Charter and Incoporate Middle Creek Cemetery, in the County of Sevier.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John S. Trotter, Henry Butler, Curtis Mills, John Butler, Robert Marshall, Isaac Trotter, George W. Seaton, William H. Trotter, and Robert M. Rambo, and their successors in office, be, and they are hereby, incorporated a body politic, under the name and style of the "Trustees of Middle Creek Cemetery, in Sevier County." Trustees.

SEC. 2. *Be it further enacted*, That the Trustees of said Cemetery, are hereby invested with legal power to hold meetings, elect a Chairman and Secretary, and fill vacancies that may occur in said Board; that a majority of said Board shall constitute a quorum; and that they may have the right to use a common seal; and to do all lawful acts for the benefit of said Cemetery. Powers of Trustee.

SEC. 3. *Be it further enacted*, That said Board shall have power to buy, receive, possess, hold and dispose of, any property for the use and benefit of said Cemetery; and may sue and be sued, plead and be impleaded. Same.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed October 31, 1867.

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CHAPTER V.

AN ACT to Incorporate the Wand Patent Car Roofing Company, of Nashville, Tennessee.

Powers, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. C. Wand, Jas. G. Ogden, Chas. T. Wing, D. O. Davenport, and their associates, successors and assigns, be, and they are hereby, created a body politic and corporate, under the name and style of "Wand's Patent Car Roofing Company;" and, by that name and style, shall have succession for thirty years, sue and be sued, plead and be impleaded with; and generally to do everything necessary and proper to carry out the provisions of this Act, and to promote the objects and designs of this corporation.

Cap tal Stock

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be ten thousand ($10,000) dollars, with the privilege of increasing the same to five hundred thousand ($500,000) dollars—to be divided into shares of one hundred ($100) dollars each; and so soon as all the shares in said association shall be taken, and paid up in full, an election for three (3) Directors shall be held—each stockholder being entitled to one vote for each share he may hold; a majority of such stock votes, electing. The Board of Directors, thus elected, shall hold their office for one year from the date of their election, or until their successors are elected; shall have the power to appoint such agents and officers as they may deem necessary for the proper transaction of the business of the company; shall establish such rules and regulations for its government, and may alter or amend the same, whenever it may be deemed proper for them to do so; shall fill all vacancies that may occur amongst their number; and shall do and transact, in behalf of the company, all such other acts as may be incident to such bodies, and necessary for the successful prosecution of any business in which they may engage, under this charter.

Election of Directors, etc.

Purpose, business, etc.

SEC. 3. *Be it further enacted*, That the purpose, business, and object of said Company, shall be, the procuring and preparation of all material, implements, machinery and tools, necessary, proper or convenient, for the purpose of manufacturing all and any kind of Roofing, and its application, on any building, bridge, boat or car; but more especially the manufacture of Wand's Patent Car Roofing, as per Letters Patent, granted July 31st, 1860, and its application, as per Letters Patent, granted February 5th, 1867; and the said Company is hereby

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fully empowered and authorized to do and perform any and all such acts herein-before specified, and to erect buildings, and do any and all things which are necessary or convenient in, about, and concerning such business, purpose or object; and the said Company may have, hold, or transfer, real or personal property, or both, when necessary or prudent in their business, or in order to secure debts due, or to become due, by or to said Company. Powers.

SEC. 4. *Be it further enacted*, That each stockholder in said company, shall be individually liable only for the amount of stock owned by him; and no assignment, or transfer, of stock, shall be made until it has been first offered for sale to the Directors, and been by them rejected. This company shall pay such taxes as are paid by similar corporations in the State of Tennessee. Liability, transfer of stock, etc.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed November 2, 1867.

CHAPTER VI.

AN ACT for the Benefit of the Mississippi River Railroad Company,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sixth Section of An Act passed on the 25th day of February, 1867, entitled "An Act for the benefit of the Winchester & Alabama Railroad Company, and for other purposes," be, and is hereby, amended as follows, to-wit: That the subscriptions authorized in said sixth section to be made to the capital stock of the Mississippi River Railroad Company, by the counties along the line of said railroad, may be made at any Monthly Term of the County Courts of said counties, or at any Special Term of said Courts; *Provided*, That a majority of all the Justices, in commission, in the counties respectively, shall be present when any such subscription is made; and *Provided, further*, That a majority of those present shall concur therein. Subscriptions

SEC. 3. *Be it further enacted*, That the charter of the

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Where to commence line, etc.

Mississippi River Railroad Company be, and hereby is, so amended, as that the said company may commence the line of their Railroad at any point on the line of the Memphis & Ohio Railroad, not exceeding twelve miles from the City of Memphis; and the said Mississippi Railroad Company, are hereby authorized to enter into such contract with the said Memphis & Ohio Railroad Company, for entering the City of Memphis, over the latter company's track, and for the use of a common depot, as may be convenient and profitable to the two companies.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER.
Speaker of the Senate.

Passed November 5th, 1867.

CHAPTER VII.

AN ACT to Incorporate Euphrates Lodge, No. 35, Independent Order Bnai Brith, (Sons of Covenant.)

Purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Abraham E. Frankland, Samuel Shloss, Charles Shloss, Samuel Hesse, Nathan Huffheimer, Julius Nathan, and Theobold Foltz, and their successors in office, be, and are hereby, constituted a body politic and corporate, under the name and style of "Euphrates Lodge, No. 35, I. O. B. B., Independent Order Bnai Brith, (Sons of Covenant,)" a Jewish Society, for the purpose of ameliorating the condition of its members and the poor; to bury the dead, nurse the sick, protect the widow and the orphan, and such general acts of charity as may pertain thereto. That under the title of Euphrates Lodge, No. 35, I. O. B. B., they shall have power to sue and be sued, to plead and be impleaded, answer and be answered, in all manner of suits and actions; and, generally, to do and perform all other acts and things which bodies corporate may lawfully do.

Powers.

Same.

SEC. 2. *Be it further enacted*, That the corporation above created, shall have power to receive by gift, donation or purchase, and to hold real, personal, and mixed property, for the purpose of building Lodge-rooms, Hospitals, Schools, Burial grounds; to sell, exchange,

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mortgage, or otherwise dispose of the same, as in their judgment may best subserve the interest of said Order.

SEC. 3. *Be it further enacted*, That said corporation shall have a common seal; that said Trustees, above named, shall have power to make all By-Laws, Rules and Regulations for their own government; to choose their successors in such a manner as the laws of the Order may prescribe; and to do such other acts and things as may be proper to the advancement of the objects of this Order; *Provided*, That none of their Laws, Rules, Regulations, or acts, be inconsistent with the Constitution and laws of Tennessee. Powers of Trustees.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed November 5, 1867.

CHAPTER VIII.

AN ACT Authorizing F. M. Narimore and John Greer to Construct a Turnpike Road, in Cumberland County, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Fielding M. Narimore and John Greer are hereby authorized to construct a Turnpike Road, commencing at Crossville, Cumberland County, and terminating at the Crab Orchard, in the county aforesaid; and shall erect a suitable bridge across Daddies' Creek, where the said road crosses the same, and with the privilege of erecting one toll-gate, on said road; and said Turnpike Road shall be completed within two years after the passage of this Act; and the company, aforesaid, shall be subject to all the powers, rules and regulations, governing Snodgrass & Company, by An Act of the General Assembly, passed February 27th, 1866, known as the "Thomas Snodgrass Turnpike Company"—except the Commissioners shall be appointed and qualified by the County Court of Cumberland County, with power to appoint others, if the public good requires; *Provided*, That the citizens of Cumberland County shall be permitted to travel over said road free of charge. Beginning. Completion. Powers, duties, etc.

SEC. 2. *Be it further enacted*, That said Commission-

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ers shall report to the County Court, when their duties have been performed, as prescribed in the afore-named charter to Snodgrass & Company.

Report.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

SEC. 4. *Be it further enacted*, That Section 22 of An Act passed December 15th, 1866, entitled "An Act to incorporate the Memphis Dry Dock Company, and for other purposes," be amended so as to read, *and the entire levee and bridges, within two years from the passage of this Act.*

Memphis Dry Dock Co.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 6, 1867.

CHAPTER IX.

AN ACT to Amend the Charter of certain Mining Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several Acts heretofore passed, incorporating certain mining companies engaged in extracting, reducing, and refining copper ores in the county of Polk, be, and they are hereby, so amended that the said several companies shall each have the power to subscribe for, and to purchase, and to hold, and to dispose of, stock in any railroad company whose line of road shall be contiguous to their works, or so near as to be used by them in carrying on their necessary operations.

Stock in R. R. Co.'s.

SEC. 2. *Be it further enacted*, That for the purpose of raising money to pay for such stock, or to pay the subscription to such stock, or for other purposes connected with their operations, the said several mining companies are each hereby authorized to issue Company Mortgage Bonds, in such form and amounts, and to mature at such times, and draw such rate of interest, and so to dispose of said Bonds, and apply the proceeds thereof, as the Stockholders or the Directors in said companies, respectively, shall deem best for their interest; *Provided*, That nothing herein contained shall be so construed as to allow to said companies, or either of them, the use and exercise of banking privileges.

Mortgage Bond.

Proviso.

SEC. 3. *Be it further enacted*, That An Act passed on

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the 4th day of December, 1866, Chapter XIII, entitled "An Act to amend the Charter of the Union Consolidation Mining Company, of Tennessee," be, and the same is hereby, repealed; and that this Act shall take effect from and after its passage. Repealed.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 11, 1867.

CHAPTER X,

AN ACT to Amend the Charter of the Carolina Insurance Company, of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 65 of "An Act to incorporate the Middle Tennessee Insurance Company, at Lebanon, and for other purposes," passed March 4th, 1860, be so amended as to change the name of the body politic and corporate, from the "Carolina Insurance Company, of Memphis," to the "Carolina Life Insurance Company, of Memphis." Name changed.

SEC. 2. *Be it further enacted*, That this Act shall take effect, and be in force, from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 12, 1867.

CHAPTER XI,

AN ACT to Incorporate the Merchants' Insurance Company, of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John T. Stratton, W. B. Miller, W. B. Waldren, R. A. Parker, J. W. Crocker, J. M. Moore, J. R. S. Gilliland, and their associates and successors, be, and they are hereby, incorporated, Incorporators.

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and made a body politic and corporate, by the name and style of the "Merchants' Insurance Company, of Memphis;" and in this name may sue and be sued, plead and be impleaded, have and use a corporate seal, and change the same at pleasure; and shall have and possess all the powers, privileges and immunities, and subject to all the pains, penalties and forfeitures, contained in the Act to incorporate the National Insurance Company, passed November 17th, 1865.

Powers, privileges, etc.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be two hundred thousand ($200,000,) dollars, which may be increased to five hundred thousand ($500,000,) dollars, if a majority of the Stockholders shall deem it expedient: the capital to be divided into shares of one hundred dollars each.

Capital Stock.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 12, 1867.

CHAPTER XII.

AN ACT to Reorganize the Board of Trustees for "Union Academy," located at Clinton, Tennessee; and to prescribe their duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. A. G. Brown, John Leinart, James A. Doughty, Henry Holloway, George W. Leath, John A. Hicks, and Alfred Duncan, be, and are hereby, constituted a Board of Trustees for Union Academy, located at Clinton, Tennessee, as successors to the present Board of Trustees of said Academy.

Trustees.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Board of Trustees—a majority of whom shall constitute a quorum, provided for in the first section of this Act—to meet in the town of Clinton, on the first Monday of December, 1867, or as soon thereafter as may be practicable, and organize, by electing a President, Treasurer and Secretary, of said Board, who shall be members of their own body; and who shall hold said positions for the term of one year, or until their successors shall be elected, as prescribed, once a year.

Meeting, organization, etc.

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SEC. 3. *Be it further enacted*, That it shall be the duty of said Board of Trustees, as soon as practicable after organization, to make settlement with the previously existing Board, and take possession of, and receipt said former Board for, all property, money and effects, now in possession of or under the control of said old Board, as such Trustees. Settlement.

SEC. 4. *Be it further enacted*, That said Trustees shall have, and are hereby vested with all the rights, privileges and powers, that are now conferred by law upon the heretofore, (and until the passage of this Act,) existing Board of Trustees; and that the Board herein created control the funds of said Institution, according to the laws heretofore existing upon that subject. Powers, rights, etc.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage; and that the powers and functions of the old Board of Trustees shall cease with the passage of this Act; *Provided*, it shall not relieve or release said old Board of Trustees from a strict accountability for the funds which belong to said Academy, or from the duty of collecting in and winding up the debts due said Institution. Old Board.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 12, 1867.

CHAPTER XIII.

AN ACT to Incorporate the Elizabethton Masonic Female Institute, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John K. Miller, C. P. Toncray, James I. R. Boyd, F. S. Singletary, James M. Cameron, William R. Fitzimmons, Dr. A. Jobe, and A. J. Tipton, or a majority of them, and their successors, be, and they are hereby made and constituted, a body corporate and politic, in fact and in name, with a succession for ninety-nine years, under the style and title of the "Trustees of Elizabethton Masonic Female Institute; and by that name shall be, and are hereby made, able and capable in law, to have, hold, receive, purchase, possess and enjoy, to them and their successors, such real estate, not exceeding one hundred acres, and all personal property Powers.

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Same. necessary to carry out the objects of said corporation into full force and effect; and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all Courts having competent jurisdiction; may make, have and use a common seal, and do all other acts incident to a body corporate and politic.

Funds. SEC. 2. *Be it further enacted*, That, as it is the purpose of this corporation to establish and conduct, at Elizabethton, an Institution for the education of girls and young ladies, they may raise, by subscription in stock, donations or otherwise, such an amount of funds as is necessary for carrying out their purposes; and they, and their successors whom they shall elect, shall hold the same in trust for the purposes contemplated.

By-Laws, etc. SEC. 3. *Be it further enacted*, That the Trustees shall have authority to make such regulations and by-laws, not inconsistent with the laws of the State, or United States, as they may deem requisite for the management of the property or regulation of the School.

Teachers. SEC. 4. *Be it further enacted*, That they shall elect the Teachers, prescribe the amount to which each shall be entitled for services; and their decision shall be final in all controversies between Teachers, or Teachers and pupils.

Diplomas, etc. SEC. 5. *Be it further enacted*, That the Trustees shall prescribe the Course of Studies, which shall be as full as in any other Female School in this State; and shall confer such honors, certificates and diplomas, as are usual in the best Institutions for the education of young ladies in this State, or the United States, and perform all duties incident to the management and government of a first-class School.

Vacancies. SEC. 6. *Be it further enacted*, That the Trustees may have power to increase their number to *twelve*, and to elect others, at any regular meeting, when vacancies occur; to declare vacant the seat of any Trustees who may neglect the business of the said Institute of learning for one year, or for conduct not becoming the dignity and responsibility of his station.

Spirituou Liquors] SEC. 7. *Be it further enacted*, That after said Trustees shall have become organized, and put said Institution into operation, it shall not be lawful for any person to sell, or manufacture, any species of spirituous, malt, or vinous liquors, within two miles of said Institution.

Penalties. SEC. 8. *Be it further enacted*, That any and all persons violating the provisions of this Act, shall be liable to indictment, or presentment in any Court in this State, having jurisdiction thereof; shall be fined not less than

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fifty dollars, nor more than one hundred dollars, for every such offense; and half of said fine, when collected, to go to the State of Tennessee, and the other half to said Institution.

Buffalo Male and Female Institute.

SEC. 9. *Be it further enacted*, That the Buffalo Male and Female Institute shall have the right to give Diplomas, granted under this Act.

Harrison Male Academy.

SEC. 10. *Be it further enacted*, That the Harrison Male Academy, situated at Harrison, in the County of Hamilton, be, and the same is hereby, transferred to the Masonic Lodge, No. 114, and shall hereafter be under the control of said Lodge; and that the original charter of said Academy is so amended as to entitle it to all the rights and privileges, and subject to the same restrictions, as included in this Act.

SEC. 11. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 12, 1867.

CHAPTER XIV.

AN ACT to Extend the Time for the Completion of the Lebanon and Lowes' Ferry Turnpike Road.

Proviso.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed November 20th, 1857, incorporating the Lebanon and Lowes' Ferry Turnpike Company, be so amended, as to allow said company the further time of five years for the completion of their road; *Provided*, That when six miles of road is completed, as prescribed by said Act of Incorporation, the company may erect two gates thereon, and collect tolls—to be used in keeping said road in repair.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 15, 1867.

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CHAPTER XV.

AN ACT to Incorporate Cageville Male and Female Academy, Haywood County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the stockholders in the Cageville Male and Female Academy, be, and they are hereby created a body politic and corporate, by the name of the "Trustees of the Cageville Male and Female Academy," and in that name may purchase, receive and hold any property, real and personal, or mixed, which may be given, granted, sold, conveyed or devised to them, for the use of said school; may use and dispose of the same, as they may think best for the benefit thereof; and by the name aforesaid, said Trustees may sue and be sued, plead and be impleaded, in any Court of law or equity.

Privileges.

SEC. 2. *Be it further enacted*, That W. A. Johnson, W. Evans, John McFarland, H. M. Clayee, and R. W. Fleming, and their successors in office, shall be Trustees —to manage said Cageville Male and Female Academy; and a majority of them shall have power to make by-laws, and fill any vacancy which may happen in the Board, and also to appoint the President, a Principal of said Male and Female Academy, and its Teachers, with the right of dismissing them, or either of them, from office, if they should prove inefficient.

Trustees.

Powers.

SEC. 3. *Be it further enacted*, That said Trustees shall appoint a Secretary and Treasurer; said Treasurer giving bond, with two securities, for the faithful performance of his duties. Four Trustees shall constitute a quorum for the transaction of any ordinary business; it shall require, however, the consent of the entire Board to dispose of any of the property of the said Academy.

Same.

SEC. 4. *Be it further enacted*, That the President or Principal of said Academy, and Board of Trustees, shall have full power and authority to confer on any pupil of said Academy such Literary Degrees as are, or may be, conferred in other Literary Institutions of the same character.

Degrees.

SEC. 5. *Be it further enacted*, That hereafter, the Trustees shall hold their office for one year from the date of their election; the duties of the present Board, however, expiring on the first day of August, 1868; at which time a new election shall be made by the Stockholders of said Academy—one week's notice being given by the Secretary of the old Board.

Term of office.

SEC. 6. *Be it further enacted*, That the capital stock

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of said Academy, shall be divided into shares of twenty-five dollars; and in the election of Trustees, the stockholders shall be entitled to one vote for each share. Capital Stock.

SEC. 7. *Be it further enacted*, That the grounds, the buildings, and the apparatus of said Cageville Male and Female Academy, shall be exempt from State and County taxes. Exempt from taxes.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 15, 1867.

CHAPTER XVI.

AN ACT to Change the Name of the New Market Medical Association.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the name of the New Market Medical Association be, and the same is hereby, changed, to the "Jefferson Medical Association." Jefferson Medical Association.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 15th, 1867.

CHAPTER XVII.

AN ACT to Amend Chapter 115 of An Act Incorporating the "Central Tennessee Methodist Episcopal College," passed May 24th, 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 115, sections *one* and *three*, of An Act passed May 24th, 1866, be so amended, as to strike out of the first section of said Act, on the ninth and tenth lines, the words "*Methodist Episcopal*," and "*for the general and theological educa-* First Section.

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tion of Colored people; and on the tenth line of Section *three* of said Act, the words "*the colored.*"

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 15, 1867.

CHAPTER XVIII.

AN ACT to Incorporate "Croton College," Monroe County.

Trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James M. Burton, John J. Crippin, John R. Gaines, J. P. T. McKroskey, John M. Magill, and Richard W. Hudson, be, and they are hereby, constituted a body politic and corporate, by the name of the "Trustees of Croton College;" and, by that name, shall have succession for ninety-nine years, and a common seal; and the said Trustees, and their successors, by the name aforesaid, shall be capable, in law, to purchase, receive and hold to themselves, and their successors, forever, or for any less estate, any lands, tenements, goods or chattels which may be given, granted or devised to them or the Institution, or purchased by them for the use of said Institution; and said Trustees, and their successors, by the corporate name aforesaid, may sue and be sued, plead and be impleaded, in any Court of law or equity in this State, or elsewhere.

Powers and privileges.

Same.

SEC. 2. *Be it further enacted*, That the Trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places as may be agreed upon, from time to time, by a majority of the Board; to appoint a President of their own body, and a Secretary and Treasurer—either of their own body, or as they may think most desirable,—and to fill vacancies that may happen by death, resignation, removal, failure or refusal to act, or otherwise; but not less than four members shall constitute a quorum to transact business.

Duty of Secretary.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Secretary of said Board, to keep a correct journal of all the meetings, and official acts of said Board, and to note the absentees; and said Board shall have power —a majority concurring and voting therefor—to declare

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vacant the seat of any member for unbecoming conduct.

SEC. 4. *Be it further enacted*, That said Board of Trustees shall have power to make such by-laws, rules and regulations, relating to said College, and the government thereof, and the government of their own proceedings, as a majority of them deem right and proper; *Provided*, They shall not be inconsistent with the laws of this State and the United States. By-Laws.

SEC. 5. *Be it further enacted*, That the College aforesaid, and the lots thereto belonging, not exceeding two acres, shall be exempt from taxation so long as said lots are used for said purposes. Taxation.

SEC. 6. *Be it further enacted*, That the Memphis Seminary of Learning, is hereby created a body corporate, by the name of the "Memphis Gabberk Seminary of Learning," with power to sue and be sued; and to do all other acts that similar institutions are now authorized by law to do. Memphis Gabberk Seminary.

SEC. 7. *Be it further enacted*, That J. E. Merriman, C. C. Smith, John H. Bowen, J. S. Quinby, W. J. Smith, S. C. Toof, and Wm. C. Ellis, and others, successors, are hereby made the corporators and Trustees of said Seminary of learning, with power to organize by the election of a President, Secretary, and Treasurer; to fill vacancies in their body, occasioned by death, resignation, removal from the State, or otherwise; with power to acquire, hold and manage such real estate, and other property, as may be necessary for the success and welfare of the institution; to sell and purchase, when the good of the Seminary may require it; and to exercise, in reference to the property of the institution, when necessary, all such powers as are conferred upon similar institutions by the private or public Acts of the State. Trustees. Powers.

SEC. 8. *Be it further enacted*, That said Seminary is hereby empowered to confer, at the time of graduation, degrees upon graduating pupils, and such honorary degrees thereafter as other institutions of learning are empowered to confer. Degrees.

SEC. 9. *Be it further enacted*, That the property of said Seminary of learning held for educational purposes, is hereby declared exempt from taxation, while it is employed solely for such educational purposes. Taxation.

SEC. 10. *Be it further enacted*, That Robert C. Brinkley, Hugh L. Brinkley, John Overton, Sr., John Overton, Jr., William W. Goodwin, John M. Lea, and John O. Lea, are hereby constituted Trustees of a body politic and corporate, to be known by the name and style of "Overton Academy." Said corporation may have ninety-nine years' succession, use a common seal, sue and be sued, plead and be impleaded, by the name and style Overton Academy.

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aforesaid; receive gifts or endowments of real or personal estate, upon such terms as may be agreed between said corporation and the donor of any real or personal estate; and have and exercise all powers and privileges, except the right to confer degrees, usually granted by common or statute law to an institution incorporated for the purpose of advancing the interests of education.

Powers and privileges.

SEC. 11. *Be it further enacted*, That no Trustee shall receive compensation for any services that he may render the corporation. Four members of the Board of Trustees shall constitute a quorum to transact any business appertaining to the corporation. The Board shall elect from their number, a President, and a Secretary or Treasurer, who may hold their offices during the pleasure of the Board. All vacancies by death, resignation, or removal from the State, shall be filled by an election on the part of the remaining Trustees; and notice for meetings for that or any other purpose, shall be given by the Secretary or Treasurer, by letter, addressed to the several Trustees, through the Post-Offices at which they generally receive their letters.

Meetings, Officers, etc.

SEC. 12. *Be it further enacted*, That said Board may pass all reasonable by-laws, rules and regulations, necessary to carry into effect the objects of this charter, the same not being inconsistent with the laws of the United States or of the State of Tennessee.

By-Laws.

SEC. 13. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 18, 1867.

CHAPTER XIX.

AN ACT to Reduce the several Acts incorporating the Town of Morristown in one Act, and to Amend the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the inhabitants of the Town of Morristwn, as the same extends and is laid out, are hereby constituted a corporation and body politic, by the

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name and style of the "Mayor and Aldermen of the Town of Morristown," and by the same name shall have perpetual succession; shall sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real and personal in their said town, and may sell, lease or dispose of the same for the benefit of said town; and may purchase, receive and hold property, real and personal, beyond the limits of the town, to be used for the burial of the dead; and may sell, lease or dispose of, such property, for the benefit of the town; and to do all other acts touching the same, as natural persons. They shall have and use a common seal, and change it at pleasure.

Mayor and Aldermen.

Powers, etc.

SEC. 2. *Be it further enacted*, That there shall be a Town Council, to consist of a Mayor and Aldermen. The Board of Aldermen shall consist of six members from said town, chosen by the qualified voters of the town, respectively, for one year. No person shall be an Alderman, unless he be a citizen of the State of Tennessee, and a *bona fide* resident in the town for which he is elected. Any Alderman, after his election, removing from the town, shall thereby vacate his said office. Each Alderman shall, before entering upon the duties of his office, take an oath that he will faithfully demean himself in said office. All vacancies in the Board of Aldermen shall be filled by the vote of a majority of the remaining members.

To be *bona fide* citizens, Oath, etc.

SEC. 3. *Be it further enacted*, That the Mayor shall be elected by the qualified voters of the town; and shall hold his office for one year, and until his successor shall be elected and qualified. No person shall be elected Mayor who is not, at the time of his election, a citizen of the State of Tennessee, and a *bona fide* resident of said town. When two or more persons shall have an equal number of votes for the office of Mayor, the election shall be decided by a majority of the votes of the Council elect. A vacancy in the office of Mayor shall be filled in the same manner. The Mayor may fill all vacancies occurring in any office, except that of Alderman, until the same be filled by election. It shall be the duty of the Mayor to preside at all meetings of the Council; to see that all the ordinances of the town are duly enforced, respected and observed, within the town; to take an oath of office before he enters upon the duties of the same; and to call Special Sessions of the Council, when he may deem it expedient.

Election.

Vacancies, Oath, etc.

SEC. 4. *Be it further enacted*, That the Town Council shall have full power and authority to appoint all officers, servants and agents, of the corporation, such as they

Officers.

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may deem necessary and may provide, by ordinance. They shall also fix the compensation of such officers before their election, which shall not be increased or diminished during their continuance in office. They shall also have power to dismiss any officer, servant or agent, by them appointed; two-thirds of said Council concurring in such dismission.

Compensation.

SEC. 5. *Be it further enacted*, That an election for Mayor and Aldermen shall be held in said town, by the Judges and Clerks of the election appointed by the Commissioner of Registration of Grainger or Jefferson County, Tennessee, on the last Saturday of September. The voters shall vote by ballot, and reside within said town. Non-resident freeholders may vote in said town where their freehold is situated. The voters, in said election, shall have Certificates of Registration under the Franchise Law of Tennessee, before they are eligible to vote. Said Judges and Clerks of the election, shall take an oath to faithfully and impartially discharge their duties. They shall open the polls at 10 o'clock in the forenoon, and close them at four o'clock in the afternoon; when they shall forthwith proceed to ascertain, and certify to the existing Mayor, the result of said election. All persons owning a freehold in said town, and all persons resident and paying taxes therein, shall, provided they have Certificates of Registration under the Franchise Law of Tennessee, be qualified to vote at said election. In all cases of a tie in the election of an Alderman, the election shall be referred back by the Mayor, to the voters of the town, and held as before, within the next succeeding twenty days.

Election, how and when held.

Tie vote.

SEC. 6. *Be it further enacted*, That the Mayor and Aldermen shall have power, by ordinance, within the corporation:—

1st, To levy and collect taxes upon all property taxable by law for State purposes.

2nd, To levy and collect taxes upon all privileges and polls taxable by the laws of the State.

3rd, To appropriate money and provide for the payment of the debt and expenses of the town.

4th, To make regulations to prevent the introduction of contagious diseases into the town; to make quarantine laws for the purpose, and to enforce the same within five miles of the town.

General powers of Mayor and Aldermen.

5th, To establish a system of Free Schools within the town.

6th, To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances; to regulate and suppress vagrancy.

7th, To open, alter, abolish, widen, extend, establish,

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grade, pave, or otherwise improve, clean, and keep in repair, streets, alleys and sidewalks, or to have the same done.

8th, To establish, support and regulate, a Night-Watch and Patrol.

9th, To erect a Market-House, establish a market, and regulate the same.

10th, To provide for the erection of all buildings necessary for the use of the town.

11th, To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns, brokers, coffee-houses, confectioners, retailers of liquors, hawkers, peddlers, and livery-stable keepers. Same.

12th, To license, tax and regulate, hackney coaches, carts, omnibuses, wagons and drays; and to fix the rates to be charged for the carriage of persons and of property within the corporation.

13th, To license, tax, and regulate and suppress theatrical and other exhibitions, shows and amusements.

14th, To regulate, or prohibit and suppress, all disordealy houses, and bawdy houses.

15th, To regulate, or prohibit the use of lights, candles and stovepipes in all stables, shops, and other places.

16th, To establish standard weights and measures, and regulate the weights and measures to be used in the town, in all cases not otherwise provided for by law.

17th, To provide for the inspection and weighing, or measuring stone coal, wood and all other fuel, hay, corn and other grain.

18th, To provide for and regulate the inspection of beef, pork, flour, meal, oils, whisky, and other spirits, in barrels or hogsheads, and other vessels.

19th, To regulate the inspection of lard, butter, and other provisions; to regulate the vending of meats, poultry, fish and vegetables; to restrain and punish the forestalling of provisions, and to suppress hucksters.

20th, To regulate the police of the town; to impose fines, forfeitures and penalties, for the breach of any ordinance, and to provide for their recovery and appropriation; and to appoint an officer of the town, being a Justice of the Peace, before whom such recovery may be had. Same.

21st, To provide for the arrest and confinement, until trial, of all riotous and disorderly persons within the corporation, by day or by night; to authorize the arrest of all suspicious persons, found violating any ordinance of the town.

2d, To prevent and punish, by pecuniary penalties, all breaches of the peace, noise, disturbances, or disorderly assemblies, in any street, house, or place in the town, by day or by night.

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Same.

23d, To prevent and remove all encroachments into, and upon, all streets, lanes, alleys and avenues established by law or ordinance.

24th, To remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and curbstones, and for cleaning the same.

25th, To pass all ordinances, not contrary to the Constitution and laws of the State, that may be necessary to carry out the full intent and meaning of this Act, and to accomplish the object of their incorporation.

Old Ordinances, etc.

SEC. 7. *Be it further enacted*, That all Ordinances and Resolutions heretofore enacted by the Mayor and Aldermen of said town, and not repealed or rescinded by them, shall be and remain in full force, until altered, modified, or repealed, under this Act.

Election in Sept., 1867.

SEC. 8. *Be it further enacted*, That the election held in said town on the 27th day of September, 1867, for the purpose of electing a Mayor and six Aldermen for said town, is hereby legalized.

Public Law.

SEC. 9. *Be it further enacted*, That the General Assembly may, at any time, alter, amend, or repeal this charter; and the same is hereby declared to be a public law, and may be read in evidence in all courts, without proof or special pleading.

Work-House.

SEC. 10. *Be it further enacted*, That the Mayor and Aldermen shall have power to erect and organize a work-house within said corporation; and any person who shall fail, or neglect to pay any fine or costs imposed on him by any ordinance of the town, shall be committed to the work-house until such fine and costs be fully paid. Every person committed to the work-house, shall be required to work for the town, at such labor as his health and strength will permit, within or without said work-house, not exceeding ten hours each day; and for such work and labor, the person so employed shall be allowed, exclusive of his board, a credit upon such fine and costs, of seventy-five cents per day, until the whole is discharged, when he shall be released; *Provided*, That no person shall be compelled to work longer than three months for any one offense.

Digest of Laws.

SEC. 11. *Be it further enacted*, That there shall be prepared and published by the Town Council, a digest of all the Ordinances and Resolutions of a public nature, now in force, within six months after the passage of this Act, and a like digest once in every five years thereafter.

Acts repealed

SEC. 12. *Be it further enacted*, That all Acts and parts of Acts, contrary to, and inconsistent with the provisions of this Act, or within the purview thereof, are hereby repealed.

SEC. 13. *Be it further enacted*, That the Corporation

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Constable have power to execute State Warrants, and other process which Constables generally have the power to execute, within the limits of the corporation. To take effect from and after its passage. Constable.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 21, 1867.

CHAPTER XX.

AN ACT to Incorporate St. Andrew's Society of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Anslie, John Leslie, D. McClean, J. B. Campbell, A. M. Smith, G. McLean, Wm. Leige, J. H. McClure and others, be, and are hereby, constituted a body politic and corporate, under the name and style of "St. Andrew's Benevolent Society of Memphis"—a Scotch society, for the purpose of ameliorating the condition of its members and the poor; to bury the dead, nurse the sick, protect the widow and orphan, and such general acts of charity as may pertain thereto. Purposes.

SEC. 2. *Be it further enacted*, That under the title of St. Andrew's Society of Memphis, they shall have power to sue and be sued, plead and be impleaded, answer and be answered, in all manner of suits and actions, and generally to do and perform all other acts and things, which bodies corporate may lawfully do. Powers.

SEC. 3. *Be it further enacted*, That the corporation above created, shall have power to receive by gift, donation, or purchase, and to hold, real, personal and mixed property, for the purpose of building lodge rooms, libraries; and to sell, exchange, mortgage, or otherwise dispose of the same, as in their judgment may best subserve the interest of said society. Property.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 22, 1867.

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CHAPTER XXI.

AN ACT Incorporating the German Association of the City of Nashville, for the purpose of Encouraging and Protecting Immigration to Tennessee.

Incorporators

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Adolph Nelson, C. C. Giers, Henry Metz, John Ruhm, Charles Nelson, R. Wietz, Christian King, R. Knaffle, G. W. Goettinger, and their associates and successors, be, and they are hereby, constituted a body politic and corporate, under the name and style of "The German Association of the City of Nashville, for the purpose of Encouraging and Protecting Immigration to Tennessee;" and by that name they shall sue and be sued, plead and be impleaded, in all courts of law and equity; acquire, enjoy and possess estate in fee, or otherwise, real and personal, and dispose of the same;

Powers.

accept donations and contributions from parties interested in seeing the tide of immigration take its way to Tennessee; have and use a common seal, and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law, for the term of ninety-nine years, and shall have succession.

Officers.

SEC. 2. *Be it further enacted*, That the members of said Association elect a President, Vice President, a Secretary, a Treasurer, and three Trustees, who shall hold their respective offices from the date of their election until January 1st, 1869, when a new election for all the officers shall take place; and the officers then elected shall hold their offices thereafter, for the period of one year, and until their successors shall have been duly elected and installed.

Objects.

SEC. 3. *Be it further enacted*, That the object of said Association shall be to aid Immigrants in obtaining employment, facilitating their travel, in protecting them against fraud, and generally to grant them such aid as is necessary, and which is within the province and the means of the Association; all which to be done under the constitution, by-laws, rules and regulations of the Association.

May act as Agents, etc.

SEC. 4. *Be it further enacted*, That the Association is hereby authorized to procure laborers for parties applying to them; to act as agents for land owners desirous of selling their property, and for parties wishing to buy lands in the State of Tennessee; *Provided, however*, That no agent or member of said Association, shall be allowed fees for his individual use, as agent of the said Associa-

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tion. All compensation for work done in the name of the Association, to be paid for out of the funds of the Association.

By-Laws.

SEC. 5. *Be it further enacted*, That said Association shall have the right to adopt such constitution, by-laws, rules and regulations, as they may deem proper; *Provided*, they are not inconsistent with the laws of the State and of the United States.

Board of Directors.

SEC. 6. *Be it further enacted*, That the officers of said Association be called a Board of Directors, to do business in the name, and with the consent of the Association, and under the rules and regulations governing the same; that they be authorized to establish agencies any where in the State, and abroad, for the purpose of carrying out the objects of the Association.

Branch Associations.

SEC. 7. *Be it further enacted*, That in all cities and counties of the State of Tennessee, Branch Associations may be established under this charter, and under the auspices of the above Association; *Provided*, That such Branch Associations be governed by the same Constitution and Laws; and, *provided further*, that any of the said Branch Associations file with the Board of Directors of the above named Association, within thirty days after their organization, a list of their officers; a copy of which list is also to be filed at the office of the Secretary of the State.

Same.

SEC. 8. *Be it further enacted*, That Branch Associations established under provisions of section 7 of this Act, shall have power to pass their own by-laws, to suit their special localities; *Provided, however*, That such by-laws do not interfere with any of the provisions of the Constitution under this charter.

SEC. 9. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed November 25, 1867.

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CHAPTER XXII.

AN ACT to Amend Section six (6) of An Act passed December 10, 1866, entitled "An Act to incorporate Hope Female Institute; and for other purposes."

Tenn. Manual Labor University.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Trustees of the Tennessee Manual Labor University, shall have the privilege of locating branches of said University in such counties of this State, as they may deem advisable; and that this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 26, 1867.

CHAPTER XXIII.

AN ACT for the Relief of B. F. Dugger.

Grant.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor be authorized and required, to issue a grant to B. F. Dugger, or his heirs or assigns, for the North-western fractional quarter of section twenty-one, fractional township three, range four, west of the base line, in the Ocoee District, and in the County of Hamilton.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed November 26, 1867.

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CHAPTER XXIV.

AN ACT to Incorporate the United Ancient Order of Druids

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Noble Grand Arch, Deputy Grand Arch, Grand Secretary, Grand Treasurer, Grand Marshal, Grand Guard, and members of the Grand Grove, of the United Ancient Order of Druids, of the State of Tennessee, together with the Noble Arch, vice Arch, Secretary, and Guard, of the several Groves, subordinate of said Grand Grove, while holding said offices, shall be, and the same are hereby, declared, to be a body politic and corporate, by the name, style and description of the "Grand Grove of the United Ancient Order of Druids of the State of Tennessee," and that the office of the Grand Grove, be located at Memphis, Tennessee; and, by which said name, they shall have ninety-nine years succession, with power to sue and be sued, plead and be impleaded, and to do and perform all acts and things, which bodies corporate may do, for the purposes hereinafter mentioned. Name, location, etc.

SEC. 2. *Be it further enacted*, That the corporation shall have power to receive, by gift, bequest, devise, or purchase, and to hold real and personal property, that has been, or may be, given, bequeathed, devised, or purchased, for the erection of a hall, or for charitable purposes; and to sell, exchange, mortgage, lease, let, or otherwise charge or incumber, and dispose of the same, as in their judgment shall seem best for the interest of the Groves. Powers.

SEC. 3. *Be it further enacted*, That the said corporation, shall have power and authority, to make a constitution, by-laws, rules and regulations, for its own government, and the management of its own concerns, and the government of its subordinates, as shall be deemed advisable; and to alter, or amend the same, at pleasure; *Provided*, That such constitution, by-laws, rules and regulations, shall not conflict with the Constitution and laws of the State. By-Laws etc.

SEC. 4. *Be it further enacted*, That in the management of its business concerns, said corporation is hereby authorized to appoint such agents, officers, and attorneys for, that purpose, as from time to time, may be deemed proper. Officers.

SEC. 5. *Be it further enacted*, That each Subordinate Grove, under the jurisdiction of the said Grand Grove, now in existence, or which may, hereafter, be chartered Subor. Groves

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by the same, is, also, declared to be a body politic and
Incorporated. corporate, by, and under the name, style, and number set forth in their respective charters; and by such designation, they may respectively sue, and be sued, plead and be impleaded, prosecute and defend, against all suits arising in law or chancery, in all courts of this State.
Powers. The said subordinate Groves, respectively, shall have the power and authority of purchasing, and receiving by purchase, gift, or otherwise, and of selling and conveying, real or personal estate, for the benefit of said subordinate Groves, respectively.

Forfeiture of Charter. SEC. 6. *Be it further enacted*, That in case any Subordinate Grove, under the jurisdiction of said Grand Grove, shall cease to exist, or forfeit its charter, then all the estate, real and personal, together with all the records, books, papers, vouchers, furniture, jewels, seals, and fixtures, belonging to such Grove, shall immediately vest in said Grand Grove; and all personal property, books, records, papers and vouchers, jewels, seals, furniture, deeds, money, evidences of debt, leases, or mortgages belonging to said Grove, so forfeiting its charter, or ceasing to exist, shall be delivered over by the last Secretary or Treasurer of the same, or any other person or persons having custody of them, to the proper officer, or agent of said Grand Grove, on demand; and on failing
Liability, etc. to do so, each and every member of such delinquent Grove, shall be liable to said Grand Grove, in an action of debt, for the full value of the same.

Chapters at Memphis. SEC. 7. *Be it further enacted*, That Concordia Supreme Arch, Chapter No. 1, of the United Ancient Order of Druids, Morvin Supreme Arch Chapter No. 2, of the United Ancient Order of Druids, both located at Memphis, Tennessee, are hereby, incorporated as bodies politic, with all the rights, privileges and immunities, granted to the Grand Grove of the United Ancient Order of Druids, of the State of Tennessee.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 2, 1867.

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CHAPTER XXV.

AN ACT to Alter and Amend "An Act to amend the Acts incorporating the town of Gallatin, in the County of Sumner," passed February 29th, 1856; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 8, of "An Act to amend the Acts incorporating the town of Gallatin, in the County of Sumner," passed February 29th, 1856, be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted*, That the Mayor and Aldermen of the town of Gallatin, in the County of Sumner, shall have power, by ordinance, within said town, to levy and collect taxes upon all property, privileges and polls, taxable by the laws of this State; to appropriate money, and to provide for the payment of the debt and expenses of said town, by levy of a special tax, when the same shall be necessary; to make regulations to prevent the introduction of contagious diseases into said town; to establish hospitals and make regulations for their government; to establish a system of free schools, and to levy and collect a separate tax for its maintenance; to make regulations to secure the general health of the town, and to prevent and remove nuisances; to provide the town with water works, cisterns, pumps, etc.; to open, alter, abolish, widen, extend, establish grade, pave, or otherwise improve, clean and keep in repair, streets, alleys and sidewalks; or to have the same done at the expense of the owners of the ground fronting thereto, when said owners refuse, after due notice in writing, to have the work done; to provide for lighting the streets; to establish, regulate and support a night watch and patrol; to erect market houses, establish markets and regulate the same; to provide for the erection of all buildings necessary for the use of the town; to pass laws making destruction or defacing of them a misdemeanor; to provide for the enclosing and regulating of all public grounds, or buildings belonging to said town, in or out of its corporate limits; to license, tax and regulate hackney carriages, carts, omnibuses, wagons and drays, and to fix the rates to be charged for the transportation of persons and property within the town, and to the public buildings and property without the said town; to license and regulate porters and fix the rate of porterage; to license, tax and regulate theatrical and other shows, exhibitions and amusements; to prohibit and suppress all disorderly and bawdy houses; to provide for the prevention and extinguishment of

Powers of Mayor and Aldermen.

Same.

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fires; to organize and establish fire companies; to regulate, restrain or prohibit the erection of wooden buildings in any part of said town; to prevent and regulate the carrying on of manufactures dangerous in causing or producing fires; to regulate the storage of gunpowder, tar, rosin, pitch, saltpetre, gun-cotton, and all other combustible materials; to license, tax and regulate auctioneers, grocers, merchants, druggists of every description, retailers, taverns, brokers, jewellers, coffee-houses, confectioners, liquor dealers, hawkers, peddlers and livery-stable keepers; to establish standard weights and measures, and regulate the same in said town, when not otherwise provided by law; to provide for the inspection and weighing or measuring of stone coal, wood, and all other articles of fuel, hay, corn, straw, wheat, oats, barley, rye and other grain; to regulate the inspection of butter, lard and other provisions; to regulate the vending of meats, poultry, fish and vegetables; to restrain and punish the forestalling of provisions, and to suppress hucksters; to regulate the police or patrol of the town; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation; to imprison any offender, or offenders, for refusal or failure to discharge or secure, according to ordinance, fines imposed upon them, either in the county jail, or calaboose, for a period not exceeding ten days; to provide for the arrest and imprisonment, until trial, in jail or calaboose, of all disorderly persons within said town, by day or night; to authorize the arrest of all persons found violating any ordinance; to prevent and punish, by pecuniary penalties and imprisonment, all breaches of the peace, noise, disturbances, or disorderly assemblies in any street, house or place in said town, by day or by night. And all offenses, whether civil or criminal, arising under the by-laws and ordinances of said town, shall be cognizable before the Mayor or any Justice of the Peace, who, upon application, shall issue his warrant, directed to the High Constable, whose duty it shall be to serve the same; which warrant may be served by said officer any where within the limits of the said County of Sumner; and upon the return of said warrant, it shall be the duty of the said Mayor or Justice of the Peace, to hear and determine the cause and give judgment accordingly; from which judgment, in all civil cases, an appeal lies to the Circuit Court of Sumner County.

Same.

Same.

Offenses.

Duty of Jailer

SEC. 3. *Be it further enacted*, That it shall be the duty of the Jailer of Sumner County, to receive and keep in jail, any person or persons who may be committed to his charge for a breach of the by-laws and ordinances of the corporation of said town; and to receive and keep in

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jail all disorderly and riotous persons committed to his charge by the High Constable, police or patrol, by night or day; for which he shall receive the same fees as in other cases of imprisonment, to be paid by the offender; for which execution shall be awarded by the Mayor or Justice; and in case of insolvency, to be paid by the Corporation. Fees, etc.

SEC. 4. *Be it further enacted*, That any person or persons elected, appointed or deputised to any office under the charter of the said town of Gallatin, shall be a registered and duly qualified voter under the Act commonly known as the Franchise Act, passed February 25th, 1867; and before entering upon the duties of such office, or any office thereunder, shall take and subscribe the oath in the third section of said Franchise Act; and that all laws and parts of laws conflicting with this section, in so far as they do so conflict, be, and the same are hereby, repealed. Officers to be voters, take oath, etc.

SEC. 5. *Be it further enacted*, That the corporate limits of said town of Gallatin, be, and the same are hereby, extended so as to include what is commonly known as the "Blythe Addition," and the "Guild, Blackamore and Blythe Addition," and all other property situate land ying within the same; also the lands and tenements now occupied by W. F. Holder and Mrs. Heam, situate on the pike on the South side of said town; also, the lands and tenements now occupied by Augustus M. Barber, situate on the pike on the East side of said town; also, the addition commonly known as the "Huggard Addition;" also, the property now occupied by Geo. W. Baker, Haywood Turner, Henry Bugg, Wesley Burford and Warner Cage; and also, including within said limits, the property bounded as follows, viz: Beginning at a point on the East side of the Cumberland River Turnpike, on the present South line of the corporation; thence, South with the East line of said turnpike, to a point directly East of the South-East corner of Factory or Fitzgerald's Avenue; thence West, across said turnpike, with the South line of said avenue, fifteen chains and ten links; thence North, until it intersects with the present South line of the corporation; also, all that is commonly called and known as the "Reid Addition" to the said town of Gallatin. Corporation limits. Same.

SEC. 6. *Be it further enacted*, That the Commissioner of Registration for Sumner County, shall appoint the Judges and Clerks of the Municipal elections, and shall hold said elections. Com'r of Reg'ist'n to hold elections.

SEC. 7. *Be it further enacted*, That from and after the passage of this Act, the Mayor, Aldermen, and Constable of the town of Murfreesboro, in the County of Rutherford, shall be elected by the qualified voters of said cor- Town of Murfreesboro.

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Election. poration, by a general election; the polls of which shall be opened and held at the Court-House, in said town; and the said Mayor and Aldermen shall elect, annually, a Recorder for said city.

Repealed. SEC. 8. *Be it further enacted*, That sections 8 and 9, of chapter 31, of An Act passed December 12th, 1865, be, and the same is hereby, repealed.

Aldermen. SEC. 9. *Be it further enacted*, That there shall be elected in said town of Murfreesboro, six Aldermen, without reference to their location in said town; and that the election ordered by the Sheriff for the Wards, as heretofore existing, shall be held under this Act; and shall be as legal as though ordered to be held at the Court-House.

SEC. 10. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 3, 1867.

CHAPTER XXVI.

AN ACT to Amend the Charter of the Nashville and Middle Franklin Turnpike Road Company; and for other purposes.

Toll-Gate. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said Turnpike Road Company may have the privilege of removing the toll-gate, from its present position, to a point on said road further from the limits of the City of Nashville, in the vicinity of the locality known as "Lawrence's Pond;" and that said company have the right to purchase and hold a lot of ground, for the purpose of a toll-gate, as aforesaid.

French Broad River Turnpike. SEC. 2. *Be it further enacted*, That John R. Weisman, Joseph A. Mabry, and A. G. Jackson, be, and they are hereby, appointed additional Commissioners, for the purpose of locating and constructing the French Broad River Turnpike.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 5, 1867.

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CHAPTER XXVII.

AN ACT to Incorporate the Eagle Mining Company of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That George W. Kirk, James Jones, J. C. Morris, John McCampbell, and E. J. Brooks, and their associates and successors, be, and they are hereby, incorporated a body politic, under the name and style of the "Eagle Mining Company of Tennessee," under, and by which name, said body politic shall have succession for ninety nine years; and, by that name, may sue and be sued, plead and be impleaded, in all courts and places; contract and be contracted with, in all matters pertaining to the business and object of the corporation, and do any and all acts which a corporation may or can do in fulfillment of its charter, and the objects and end of its organization; may have a common seal, and alter the same at pleasure; and may buy, sell, lease, and mortgage, any and all such lands, and mineral interests, as said company may deem to their interest. Incorporators. Powers.

SEC. 2. *Be it further enacted*, That the objects and purposes of said corporation shall be that of mining for gold, silver, copper, lead, iron, and coal, and any and all other mineral substances, the direct products of the earth, or any or all of them, and the manufacture and refining any or all of them, and the transportation to market of the same. Objects.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars; to be increased by a vote of the stockholders of said company to any sum not exceeding five million dollars—to be divided into shares of fifty dollars each; which said shares shall be personal property, and assignable only upon the books of said company, in such manner as may be prescribed by its by-laws. Lands, and other real estate, mines, and mineral rights and interests therein, may be described as a part of the whole of said stock, and upon such terms as may be agreed upon by the subscribers and the company, and in pursuance of the laws for the sale and conveyance of real estate; that when said company shall, by purchase, lease, or otherwise, become possessed of any mine or mines, or mineral rights, within the limits of the State of Tennessee, the Directors may make a separate and distinct interest of each mine, or property, and divide such interest into such number of shares as they may deem expedient, giving not less than twenty-five thousand dollars, nor more than one million dollars to each separate mine, as their by-laws may direct. Capital Stock. Real estate, etc.

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Directors.

SEC. 4. *Be it further enacted*, That the stock, property, and general prudential affairs of said company, shall be managed by a Board of not less than three, nor more than seven, Directors; to be chosen by the stockholders for one year, or until their successors are elected; *Provided*, That a President of the Board shall be elected for the same time by the Directors, from among themselves, or the stockholders. The President and Directors shall be stockholders of the company; and may appoint such other officers and employés as they may deem proper. A majority of the Directors shall constitute a quorum to transact business.

Book, By-laws, etc.

SEC. 5. *Be it further enacted*, That the company shall keep a book, which shall always be kept open to the inspection of each stockolder. In it shall be kept the amount of stock held, and the names of the holders thereof, and the amount paid in; also, a book, in which shall be recorded a full and faithful account of the proceedings, rules, by-laws, and acts of said company, except accounts and contracts with individuals.

Powers, duties etc.

SEC. 6. *Be it further enacted*, That the President and Directors may make such by-laws, rules and regulations, and alter or amend the same, as they may deem proper, and consistent with this charter, and not inconsistent with the laws of this State, or those of the United States, prescribing the time, place, and manner of holding elections; the transferring of stock; the enforcement of payment therefor; the forfeiture for non-payment; the duties and authorities of officers, agents, and employés; the mode of filling vacancies; the character and amount of business; and any and all such matters as may be necessary for the proper, prudential, and effective management of the property and business of said company, and to effect the object and intent of this Act.

Privileges.

SEC. 7. *Be it further enacted*, That the company shall have power to take, acquire, and hold such property, real and personal, as they may deem necessary for the use of said company; and also, to contract for the right of way, for any and all necessary roads and railroads; and to contract with such roads on such terms as may be agreed upon, for the carriage of minerals, or other property, or to carry the same to any navigable stream; and to have such yards, wharfs, boats, and floats, as may be necessary, and all personal property required to conduct the business of the company, and to dispose of any and all of the same, for the use of the company, or its stockholders.

Taxes.

SEC. 8. *Be it further enacted*, That this incorporation shall be subject to such taxes as may be imposed upon similar corporations in the State.

SEC. 9. *Be it further enacted*, That, *Whereas*, W. O.

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Rockwood, John M. Lord, Hiram S. Chamberlain, John T. Wilder, David E. Rees, Antrim R. Forsythe, and Henry C. Lord, on the 18th day of June, 1867, under, and by virtue of the provisions of the second section of An Act of the General Assembly of the State of Tennessee, passed June 8, 1865, entitled "An Act to Incorporate the East Tennessee Union Petroleum, Coal, Iron and Salt Company," having become possessed of a separate and distinct interest in certain mineral lands, mines, beds, fields, deposits, and leases, situate in the State of Tennessee, organized themselves into a distinct branch, under the name of the Roane Iron Company; *Now, therefore,* Preamble.

SEC. 10. *Be it further enacted*, That the said William O. Rockwood, John M. Lord, Hiram S. Chamberlain, John K. Wilder, David E. Rees, Antrim R. Forsythe, and Henry C. Lord, their associates, successors, and assigns, are hereby declared and constituted a body corporate, by the said name and style of the "Roane Iron Company," and by that name shall have succession for thirty-nine years, and be competent to sue and be sued in any court of law or equity; to have and use a common seal, and the same to alter at pleasure. Roane Iron Company.

SEC. 11. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each. The amount of the capital stock, may be increased or diminished by a vote of a majority in value, of the stockholders, at any regular or called meeting. In all elections, any stockholder shall be entitled to one vote for each share of stock shown by the books of the company to have been owned by him for ten days prior to said election. Certificates of stock shall be transferred on the books of the company, by the owner thereof, or by an attorney in fact, by him thereunto lawfully authorized. Capital Stock etc.

SEC. 12. *Be it further enacted*, That the affairs of the company shall be managed by a Board of Directors, who shall be annually elected, by the stockholders. The number, and the time and place, to be fixed by the by-laws, and shall hold their offices one year, and until their successors are elected and qualified. The Board of Directors shall elect one of their number, President, for the term of one year, and such other officers as shall be provided by the by-laws. The duties of all the officers shall, in like manner, be prescribed by the by-laws. Board of Directors.

SEC. 13. *Be it further enacted*, That the said incorporation shall have power to establish, ordain, and at pleasure, change, such by-laws for their government, as By-Laws.

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they may deem necessary, not inconsistent with the Constitution and laws of the State of Tennessee; to purchase, hold, and dispose of such real estate, leases, mines, not over 10,000 acres, minerals, iron, coal, oil, salt, and personal property, as they may desire, or as they may deem necessary for the legitimate transaction of their business—to mine, bore, forge, smelt, work, and manufacture, transport, refine, and vend the same; to lay and conduct pipes, and construct train roads, or railroads, from their wells, forges, works, or other places of business, to navigable rivers, or railroads now constructed, or which may hereafter be constructed; and to make all turn-outs, switches, and structures, that may be necessary or convenient in and about the same; the said company to have and enjoy, and exercise, all the rights, privileges, and powers, belonging, and incident to corporations, which may be convenient in carrying on any business, which they are, in this Act, authorized to engage in, except the right to issue notes, to be used as a circulating medium, or, to engage in the business of banking.

General powers.

SEC. 14. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 6, 1867.

CHAPTER XXVIII.

AN ACT to Incorporate the New Orleans and Ohio Air-Line Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That George Langstaff, John Orne, J. M. Begger, J. G. Fisher, J. W. Sauner, W. A. Bell, Wilson Thompson, J. L. Dallum, Q. Q. Quigley, W. E. Augustus, Jr., H. L. Jones, G. A. Flournoy, G. G. Davis, Kasper Endres, G. H. Morrow, J. W. Thornburg, Alfred Johnson, B. B. Settle, J. E. Williamson, J. W. McKnight, F. Grief, G. W. Baldwin, J. W. Thompson, G. W. Jarrett, C. H. Rick, A. L. Jones, and J. C. Calhoun, of the County of McCracken, and the State of Kentucky; A. R. Boone, Erwin Anderson, W. W. Tice, John Eaker,

Commissioners.

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R. K. Williams, W. W. Robinson, A. R. Smith, La Fayette Anderson, and Ed. Crossland, of Graves County' in said State; Dr. C. Underwood, W. P, Coldwell, Alfred Gardner, John A. Gardner, J. A. Prestwood, and J. C. Reaves, of the County of Weakley, in the State of Tennessee; John D. C. Atkins, John H. Dunlap, John W. Nance, and Dr. Matthewson, of Henry County, Tennessee; John Norman, A. H. Smith, J. M. Alexander, John B. Terry, W. W. Moore, W. H. Clay, J. H. Alexander, and W. W. Herron, of Carroll County, Tennessee; H. J. Hansbro, T. J. Moore, J. G. Boyd, Abraham Karnes, B. A. Williamson, James H. Smith, and Fielding Goodman, of Gibson County, Tennessee; John J. Williams, Robt. S. Hurt, and Wm. H. Stephens, of Madison County, Tennessee; Rufus P. Neely, and Paul T. Jones, of Hardeman County, Tennessee; A. M. West, E. D. Frost, J. B. Faut, and Dr. Thomas J. Malone, of the State of Mississippi; W. P. Coleman, and T. S. Williams, of the State of Louisiana; S. W. Morton, and Henry M. Woodward, of the State of Missouri, be, and they are hereby, appointed Commissioners, under the direction of whom, or any three of whom, subscriptions may be received to the capital stock of the "New Orleans and Ohio Air-Line Railroad Company," which is hereby incorporated; and they may cause books to be opened, at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice as they may deem proper; and if such amount of subscriptions to the capital stock of said company, as is necessary to its incorporation, shall not have been obtained, said Commissioners, or a majority of them, may cause said books to be reopened, from time to time; and may adjourn to such place as they deem proper, until the sum necessary to its incorporation shall be subscribed; *Provided*, that any subscription tendered, at any time and place, other than those advertised, may be received by said Commissioners, or any one of them; and shall be as valid against the parties subscribing as if received at the time and place advertised; and if any of said Commissioners shall die, resign, or refuse to act, during the continuance of the duties devolved upon them by this Act, others may be appointed in their stead, by a majority of those remaining.

Same.

May open Books for subscription.

SEC. 2. *Be it further enacted*, That the capital stock of said New Orleans and Ohio Air-Line Railroad Company, shall be two millions of dollars, in shares of one hundred dollars each; which may be subscribed by any individual company or corporation; and as soon as two thousand shares of said stock shall be subscribed, the subscribers, their successors and assigns, shall be, and are hereby,

Capital Stock

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declared to be incorporated into a company, by the name of the "New Orleans and Ohio Air-Line Railroad Company;" and, by this name, shall be capable of purchasing, holding, selling, leasing and conveying, real estate, not exceeding ten thousand acres; and personal estate, so far as the same may be necessary for the purposes of the corporation; and shall have perpetual succession; and by said corporate name, may sue and be sued, contract and be contracted with; and may have and use a common seal, and alter or renew the same at pleasure; and shall have and enjoy all the privileges which other similar corporate bodies may lawfully do.

Powers, etc.

Bonus.

Stock, how payable.

Failure to pay.

Provisos.

SEC. 3. *Be it further enacted*, That there shall be paid, at the time of subscribing for stock in said company, to the person receiving the subscription, the sum of one dollar on each share, either in money, or in a note or notes, at not more than sixty days, payable to some one or more of said Commissioners, and negotiable in some bank. The residue of said subscription shall be payable in installments, at such time as may be required by the Board of Directors of said company; but no such payment shall be demanded until at least ten days' notice shall have been given, by publication in one or more newspapers, published in Paducah, Kentucky, or in Jackson, Tennessee; and if any subscriber shall fail to pay any installment, or part of an installment, when so demanded, the same may be recovered by an action, in the name of the corporation, before any Court having jurisdiction in such cases; and, in all such actions, it shall not be necessary to prove any other demand than the publication provided for in this section; or in case such failure to pay any installment, or part of installment, so demanded, shall continue for the space of sixty days after the time the same is required by such demand to be paid, the Board of Directors may, in their discretion, order the same to be forfeited to the company; and may, if they think proper, sell said share or shares for the benefit of the company; or, in the event of the highest bid being less than the unpaid balance, and interest on said subscription, then the company may become the purchaser, and shall retire the subscription; but the Board of Directors, by a majority of the whole, may remit such forfeiture, on such terms as they may think proper; *Provided*, it shall be lawful to receive subscriptions to said capital stock payable in contracts, well secured, to build any parts of said road, or any bridge or bridges on the same; to perform any work, or to furnish any materials which may be accepted by the company; *and provided, further*, that subscriptions to said capital stock may be made in real estate, situated in Tennessee. If said subscriptions shall be tendered to

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the Board of Directors, after their organization, said real estate to be taken at its cash value—to be assessed at the time by three Commissioners, on oath, (of whom two shall be selected by the company, and one by the person proposing to subscribe.) Upon their report, in writing, describing the land and assessing its cash value, the company may receive the same at its value, and issue a Stock Certificate; and may take a deed of conveyance, in fee-simple; and the real estate received for stock subscriptions, and which the company is hereby authorized to receive, shall be over and above the ten thousand acres mentioned in the second section of this Act; *and provided, further*, that the installment of one per cent. provided for in the former part of this section, shall not be payable in real estate.

Real estate to be assessed.

SEC. 4. *Be it further enacted*, That at the expiration of the period for which the books are first opened, if two thousand shares of the capital stock shall have been subscribed, and if not, as soon thereafter as the same shall be subscribed, said Commissioners, or a majority of them then living, shall call a meeting, at such time and place, as a majority of those acting, shall designate, giving, at least, ten days' notice, of the time and place, in one or more papers published in Paducah, Kentucky, or at Jackson, Tennessee; and at such meeting, said Commissioners shall lay the subscription books before the subscribers then present; and thereupon, said subscribers, or a majority of them then present, shall have power to elect, out of their own number, by ballot, nine Directors, to manage the affairs of said company; and these nine Directors, or a majority of them, shall have power to elect a President of said company, from among the Directors and to allow him such compensation for his services, as they may think proper; and at such election, and on all other occasions, when a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share of stock owned by such voter; and any stockholder may, in writing, depute any other person to act as proxy for it, him, or her; and said Commissioners aforesaid, or any three of them, shall be Judges of said first election.

First meeting.

Directors.

Voting.

SEC. 5. *Be it further enacted*, That to continue the succession of the President and Directors of said company, nine Directors shall be chosen annually, on the first Saturday in June, of each year, at such place as the President and Directors may appoint, by the stockholders of said company; *Provided*, that the President and Directors may change the time and place of holding elections, upon publishing such change, not less than thirty days prior to the election, in the papers aforesaid;

Annual election.

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and that the Directors of said company, or a majority of them, shall have the power to appoint judges of elections, and to elect a President of said company, from among themselves, and to allow him such compensation for his services, as they may deem proper; and, if any vacancy shall occur, by death, resignation, or refusal to act, of any President or Director, before the year for which he was elected shall have expired, a person to fill such vacancy, shall be appointed by the President and Directors, or a majority of them; and that the President and Direciors of said company shall hold and exercise their offices, until a new election of President and Directors; and all elections which are, by this Act, or by the laws of said company, to be made at a particular time, if not made at such time, may be made in thirty days thereafter, upon notice published in the papers aforesaid.

Vacancies, etc.

General Meeting.

SEC. 6. *Be it further enacted*, That a general meeting of the stockholders of said company, may be called at any time during the interval between the annual meetings, by the President and Directors, or a majority of them, or by the stockholders owning one-half of all the stock subscribed, upon giving thirty days' notice of the time and place of holding the same, in the newspapers aforesaid; and when any such meeting is called by the stockholders, such notice shall specify the object of the call; and if, at any such called meeting, a majority, in value, of all the stockholders, are not present, in person, or by proxy, the same shall be adjourned from day to day, without transacting any business, for any time not exceeding five days; and if, within said five days, stockholders, having a majority in value, of all the stock subscribed, do not attend in person, or by proxy, such meeting shall be dissolved.

Quorum.

Annual statement.

SEC. 7. *Be it further enacted*, That the President and Directors of said company, in office for the preceding year, shall, at the regular annual meeting of the stockholders, exhibit a clear and distinct account of the affairs of said company; that at any called meeting of the stockholders, a majority in value, of the whole of the stock subscribed, being present, may demand and require similar statements from the President and Directors, whose duty it shall be to furnish such statement when so required.

Oath.

SEC. 8. *Be it further enacted*, That the President and Directors of said company, before he or they act as such, shall swear, or affirm, as the case may be, that they will, well and truly discharge the duties of their respective offices, to the best of their skill and judgment; and the said President and Directors, or a majority of them, shall have power to elect or appoint a Treasurer of said

Treasurer.

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company, and require and take of him, a bond, in such penalty, and with such securities as they may prescribe, payable to said company, conditioned for the faithful keeping and disbursing of all such moneys as may come into his hands, and with such other conditions as may be prescribed; upon which bond, recovery may be had for a breach of the conditions thereof, by suit in the name of the company, in any court having jurisdiction. Bond, etc.

SEC. 9. *Be it further enacted*, That, if any of the stock authorized by this Act, shall remain unsubscribed until after the election of President and Directors, as provided for in the fourth section of this Act, the said President and Directors, or a majority of them, shall have power to open the books, and receive subscriptions to the stock which shall remain unsubscribed, or to sell and dispose of the same, for the benefit of the company, not under the par value of such stock; and the subscribers, or purchasers of such stock, shall have all the rights of original subscribers, and be subject to the same regulations and liabilities. Unsubscribed Stock.

SEC. 10. *Be it further enacted*, That said President and Directors, or a majority of them, may appoint all such officers, agents or servants, as they may deem expedient for the business of the company, and may remove the same at pleasure; or said Board of Directors may delegate to their President the power to appoint, or remove, any or all such employés, subject to their approval at their first meeting thereafter; that they, or a majority of them, may determine by contract, the pay of such officers, agents or servants, and regulate by by-laws, the manner of adjusting all accounts against the company, and the extent of the liability of the company to its employés; that they shall have power to erect warehouses, workshops, eating houses, and other buildings, or edifices, necessary or convenient for the use of said company; that they shall have power to direct and regulate in what manner and by what evidence, stock in said company may be transferred; and to pass all by-laws they may deem necessary or proper for exercising the powers hereby vested in said company, and for carrying into effect this Act, and to alter the same at pleasure; *Provided*, the same be not contrary to the Constitution and laws of the United States, or of this State. Officers, Agents, etc. Powers, By-Laws, etc.

SEC. 11. *Be it further enacted*, That if the capital stock of said company shall be deemed insufficient for the purposes of this Act, it shall be lawful for the President and Directors to increase the same as much as they may deem necessary, not exceeding the sum of five million dollars, giving notice as herein before required; and the said company may borrow any sum of money, not ex- May increase Capital Stock.

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ceeding one-and-a-half millions of dollars, and secure the payment of the same by the issue of first mortgage bonds of their road, or in such way as may be agreed upon.

Line of road.

SEC. 12. *Be it further enacted*, That the President and Directors of said company are hereby vested with all powers and rights necessary to the construction of a railroad from Jackson, Tennessee, to the Kentucky State line, along such route as may be selected by the President and Directors; and that they may cause to be made, contracts, which shall be signed by the President, with any corporations, companies, or individuals, for making said road, or any part of it; and that they may purchase, or lease any road, or roads, connecting with their said road; and that they, their agents, engineers, etc., or those with whom they may contract for surveying or making the same, or any part thereof, may enter upon,

May use lands

use, and excavate, any land which may be wanted for the site of said road, or the erection of warehouses, or other structures, or works necessary and convenient to said road, or for its use, or for any other purpose necessary or useful in the construction and repair of said road, or its works and appurtenances; and that they may build bridges and construct tunnels; *Provided*, such bridges shall not obstruct navigation, or any navigable

Proviso.

stream; and may fix scales and weights, take and use timber, earth, gravel, stone and other materials necessary or useful in the construction and repair of said road.

Owners of lands, etc.

SEC. 13. *Be it further enacted*, That the President and Directors, or a majority of them, or their authorized agents, may agree with the owners of any land, earth, stone, timber, or other materials or improvements, which may be wanted for the construction or repair of said road, or any of their works, for the purchase in fee, or otherwise, and occupation of the same; and if they cannot agree, or if the owner or owners of any of them be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie, application may be made to any Justice of the Peace of said county, who shall, thereupon, issue his warrant, directed to the Sheriff, or any Constable of said county, requiring him to summon twenty discreet men, not related to the owner, nor in any way interested, to meet

Jurors to assess value.

on the land, or near the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if, at the time and place, any of said jurors do not attend, said Sheriff or Constable, shall forthwith summon as many jurors as may be necessary, with the jurors in attendance; and from them each party, if present, or, if

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not present, by agent or otherwise, the Sheriff or Constable, for the party absent, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages. Before the jury acts, the Sheriff or Constable, shall administer to them an oath or affirmation, that they will justly and impartially fix the damage which the owner, or owners, will sustain by the use and occupation of said property, required by said company; and the jury, in estimating damages, shall find for the owner, or owners, the actual value of the land, or other thing proposed to be taken; but, in estimating damages resulting incidentally to the other land, or other property of such owners, they shall off set the advantages to such residue, to be derived from the building and operating of said road, by, through, or near such residue. The jury shall reduce their verdict to writing, and sign the same, and it shall be returned by the Sheriff or Constable to the Clerk of the Circuit Court of his county, and such Clerk shall receive and file it in his office; and such verdict shall be confirmed by the Circuit Court at its next regular term, if no sufficient reason is shown by either party for setting it aside; and when so confirmed, it shall be recorded by the Clerk, at the expense of said company; but, if set aside, the court shall direct another inquisition to be held by the Sheriff of the county, in the manner above prescribed; *Provided*, That the company may proceed to construct their said road as soon as the first verdict of the jury shall be returned, whether the same be set aside, and a new jury ordered, or not. And every inquisition shall describe the property, or the bounds of the land condemned, and the duration of interest in the same, valued for the company; and each valuation, when tendered or paid to the owner or owners of said property, or to the Sheriff of the county in which said inquest is held, when the owner or owners do not reside in such county, shall entitle said company to the use, or interest in the same, thus valued, as fully as if it had been conveyed to it by the owner or owners of the same; and the valuation of the same, if not received when tendered, may at any time thereafter, within one year, be received from the company, without costs or interest, by the owners, his, their, or its legal representatives; *Provided*, that land condemned for road-way, shall not be more than one hundred feet wide, unless said company shall file with the Justice, at the time of applying for a warrant, the affidavit of some one or its engineers, stating that a greater width is necessary, and how much more is required, when the inquisition shall be for the quantity thus stated.

Oath.

Damages.

Verdict.

Valuation.

SEC. 14. *Be it further enacted*, That, whenever it

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shall be necessary for said company to have, use, or occupy any land, material, or other property, in order to the construction or repairing of said road or their necessary works or buildings, the President and Directors, or their agents, or those contracting with them, for constructing or repairing the same, may, immediately, take and use the same; they having first caused the property wanted, to be viewed by a jury, formed as hereinbefore prescribed; and it shall not be necessary, after such view, in order to the use and occupation of the same, to wait the issue of the proceedings, upon such inquest; and the inquest of the jury, after the payment of tender of such valuation, shall be a bar to all actions for taking and using such property, whether before or after such confirmation or payment of such valuation.

May take and use immediately.

Towns, Cities or Counties, may subscribe stock, issue bonds, etc.

Election.

SEC. 15. *Be it further enacted*, That any county, town, or city, through which said proposed road shall pass, is hereby authorized to subscribe stock in said railroad company, in any amount, any such town, city, or county may desire; and the County Court of any such county, is authorized to issue the bonds of their respective counties, in such amount as the County Court may direct; and the Mayor and Aldermen of any town, or the Mayor and Aldermen, or Council of any city, are, hereby, authorized to issue the bonds of their respective towns or cities in like manner. All said bonds shall be payable to bearer, with coupons attached, bearing any rate of interest, not exceeding six per cent. *per annum*, payable semi-annually, in the City of New York, payable at such times as they may designate, not exceeding thirty years from date; but before any such subscription, on the part of any town, city, or county, shall be valid and binding on the same, the Mayor and Aldermen of any town, the Mayor and Aldermen, or Council of any city, and the County Court of any county, shall submit the question of any such subscription, to the qualified voters of any town, city, or county, in which the proposed subscription is made, at such time, or times as said Mayor and Aldermen, of any town, Mayor and Aldermen or Council of any city or the County Court of any county, may, by order, direct; and, should a majority of the qualified voters, voting at any such election, vote in favor of subscribing stock in said railroad company, or should a majority of the qualified voters of any county, city, or town, through which said railroad may pass, petition the Mayor and Aldermen of any town, the Mayor and Council of any city, or the County Court of any county, to subscribe stock in said railroad, designating in said petition, the amount to be subscribed; then, in either event, it is hereby, made the duty of the Mayor and Aldermen of any

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town, the Mayor and Aldermen, or Council of any city, or County Court of any county, to which such vote or petition shall be presented, to make the subscription, in the name of their respective towns, cities, or counties, and proceed to have issued, the bonds, to the amount of such subscription as hereinbefore directed; and the Mayor and Aldermen of any town, Mayor and Council of any city, or County Court of any county, that may subscribe for stock in said railroad, are hereby, authorized and required to levy a tax upon the taxable property of the tax payers, of their respective towns, cities or counties, taxable under the revenue laws of this State, a sum sufficient to pay the interest on said bonds, and the cost of collecting the same, as the same matures; and at the maturity of said bonds, a tax, in like manner, that will pay the principal of said bonds; also, to provide sinking funds for their respective towns, cities, or counties, to meet said bonds, or any number of them, before the same matures. And any tax payer, paying tax to said railroad, under the provisions of this Act, shall be entitled to stock in said railroad, to the amount of taxes he may pay towards the payment of the principal and interest of any of said bonds; and to that extent, the said towns, cities, and counties shall be divested of stock in said railroad; and certificates of stock shall be issued, by the proper officers of said railroad company, whenever tax receipts, to the amount of one or more shares shall be presented, by any tax payer of said town, city, or county. And the Mayor and Aldermen of any town, the Mayor and Council of any city, the County Court of any county, shall have power to enforce the collection of said railroad tax, as other taxes, and appoint Collectors, or require the Sheriff or Marshals to collect the same, and take such bond, from any such officer, as they may prescribe.

Same.

May levy Tax

Tax payers' Stock.

How collected

SEC. 16. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER.
Speaker of the Senate.

Passed December 6, 1867.

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CHAPTER XXIX.

AN ACT to Incorporate the Tennessee Colored Banking and Real Estate Association, of Memphis.

Incorporators

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Wm. T. Kennedy, H. C. Carter, Edward Shaw, Thomas Bradshaw, James Hicks, David Randolph, Joseph Clauster, Sr., and their associates and successors, be, and they are hereby, created a body politic and corporate, by the name and style of the "Tennessee Colored Banking and Real Estate Association," and by that name, shall have succession, sue and be sued, plead and be impleaded, and generally to do every act and thing necessary to carry out the provisions of this Act, and promote the objects and designs of their Association for the space of twenty years from and after the 1st of January, 1868.

Rights, etc.

Capital Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said Association shall not exceed five hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, and when five thousand dollars is paid thereon, the stockholders shall elect seven Directors, who shall elect one of their number to be President, during their term of office.

By-Laws etc.

SEC. 3. *Be it further enacted*, That said President and Directors shall and may adopt and use, a common seal, and alter the same at pleasure; may make and adopt proper and necessary by-laws for their government; may appoint all necessary officers and agents for their corporation, and take good and sufficient bond and security for the faithful discharge of their duties; they may prescribe the manner of paying in the stock, and of the transfer thereof. Said Association shall have a lien on the stock for debts due it by the stockholders, before and in preference to other creditors.

General powers.

SEC. 4. *Be it further enacted*, That said Association may discount notes, may buy and sell stock, bonds, deal in exchange, gold, silver, and bullion, public and private securities, and negotiable paper; may purchase and hold a lot of ground for the use of the Association, as a place of business, and, at pleasure, sell or exchange the same; and may hold such real estate or personal property and estate, as may be conveyed to it to secure debts due the Association, and may sell and convey the same; it may receive on deposit, any and all sums, not less than one dollar per week, offered as stock deposits; and infants

Deposits.

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and married women may deposit therein, and control the deposits so made, which shall be for their own separate use, free from other contracts or control whatever; and when such deposits amount to twenty-five dollars, it may, at the option of the depositor, become stock in the Association; it may receive other general or special deposits, and allow such interest thereon, as may be agreed upon, but not to exceed that allowed by the laws of Tennessee; and twice per year, declare and pay to stockholders, a dividend of profits. Infants, etc. Interest.

SEC. 5. *Be it further enacted*, That the President and Directors shall, annually, appoint the time and place of holding the election of their successors. Elections.

SEC. 6. *Be it further enacted*, That said Association shall be empowered to add to their pursuits and instruction, horticulture, and practical mining, and commerce. Pursuits.

SEC. 7. *Be it further enacted*, That the name of the Memphis Insurance Company, chartered January 30, 1844, be, and the same is hereby, changed to the "Memphis Bank." Memphis Bank.

SEC. 8. *Be it further enacted*, That this corporation shall be subject to the payment of any tax assessed on similar institutions. Taxes.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 7, 1867.

CHAPTER XXX.

AN ACT to Amend the Charter of the Tennessee and Pacific Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 24, of Chapter 66, passed on the 9th day of March, 1867, be so amended, that the said railroad company shall be, and it is hereby, allowed to organize, whenever five hundred shares of the capital stock shall have been subscribed, and five thousand dollars paid thereon. Organization.

SEC. 2 *Be it further enacted*, That section 25, of the same Act, be so amended, that the County of Davidson shall be, and is hereby, authorized to subscribe three Davidson County.

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hundred thousand dollars to the capital stock, upon the terms and conditions provided by the laws now in force.

Act of May, '66, Chap 152.

SEC. 3. *Be it further enacted*, That section 1, of Chapter 152, passed on the 26th day of May, 1866, be so amended, that whichever of the two railroad companies mentioned therein, shall first lay down and construct the common track therein provided for, to the distance of not exceeding thirty miles from the terminus at the City of Nashville, shall be entitled to receive the State aid to the same amount, as if a union of said roads upon a common track, had been made; and it is further provided, that the other of the two said roads, upon being completed, shall be entitled, at all times, to use the said common track, for all purposes, for the transportation of freight and passengers, upon such terms and conditions, and the reimbursement of such expenditures as may be equitable and just.

Common track.

Counties on Tenn. & Pac. Railroad.

SEC. 4. *Be it further enacted*, That any of the counties, through which the Tennessee & Pacific Railroad shall be surveyed, or any other county on the margin of said road, shall have power, at any time after the passage of this Act, to subscribe any amount of stock they shall esteem necessary, in order to insure the building of said road, any law to the contrary, notwithstanding.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed December 12, 1867.

CHAPTER XXXI.

AN ACT to Amend the 11th Section of An Act, passed the 9th day of March, 1867, Incorporating the Boulevard Turnpike Company; and for other purposes.

H. W. Hart.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 11th section of An Act, passed the 9th day of March, 1867, be, and the same is hereby, so amended as to authorize H. W. Hart to open

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a turnpike road, from near Thomas Moyers', on Collins River, in Warren county, the nearest and most practicable route, to intersect the Pikeville road, on the top of Cumberland Mountain, at the most convenient point on said road. Turnpike.

SEC. 2. *Be it further enacted*, That H. W. Hart, be, and he is hereby, authorized to open a turnpike road, to begin near the Crain farm, on Cain Creek, in Van Buren County; thence, the nearest, and most practicable route, to intersect the Pikeville Turnpike at the most suitable point on Cumberland Mountain. Same.

SEC. 3. *Be it further enacted*, That James J. Kelley, and William D. Evert, of Rhea County, be, and they are hereby, appointed as Commissioners, on the Qualls Turnpike Road. Qualls Turnpike.

SEC. 4. *Be it further enacted*, That the above named turnpike roads, are to have all the rights and privileges, and be subject to the same restrictions, as the Pikeville Turnpike Road. Rights, etc.

SEC. 5. *Be it further enacted*, That the Commissioners of the Pikeville Road, be, and they are hereby, appointed as Commissioners on the above named roads, with all the rights and privileges, and subject to the same restrictions as the Commissioners on the Pikeville Road. Pikeville Road Commissioners.

SEC. 6. *Be it further enacted*, That the proprietors of the Pikeville Turnpike, be, and they are hereby, authorized to erect an additional gate on their road; to collect but one full toll at one gate, and give tickets to the other gate on said road. Gate.

SEC. 7. *Be it further enacted*, That the rates of toll on the Qualls Turnpike Road, be charged, as follows: One-horse wagon, twenty-five cents; two-horse wagon, fifty cents; three horse-wagon, seventy-five cents; each other wagon and team, one dollar; empty wagons, half price; one-horse pleasure carriage, seventy-five cents; two-horse pleasure carriage, one dollar: *Provided*, The citizens of Van Buren County be allowed to pass free of toll, going to, and returning from church, or mill; *Provided, further*, that persons, going to, and returning from elections, be permitted to pass free of toll; as also, all citizens of Van Buren County, driving stock to and from the Cumberland Mountain range, be exempt from the payment of tolls for themselves and stock. Rates of Toll.

SEC. 8. *Be it further enacted*, That the 17th section of the above amended Act, be made to read, "Charles B. Hart," instead of "Charles B. Short." C. B. Hart.

SEC. 9. *Be it further enacted*, That An Act, passed

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May 24, 1866, incorporating the Cleveland & Smith's Cross Roads Turnpike Company, be, and the same is hereby, consolidated with, and shall be considered a part of, An Act passed May 26, 1866, incorporating a company for said road; and shall be subject to the same rules, regulations, and restrictions, prescribed in said Act, of May 26, 1866.

Cl. & Sm. Cr. R'ds Tur'pike

Rogersville & Little War Gap Tur'pike Company.

SEC. 10. *Be it further enacted*, That Solomon Ligemore, Owen M. Brown, and Joseph R. Armstrong, of the County of Hawkins; and James H. Delp, Cornelius S. Herd, and J. P. Nichols, of the County of Hancock, be, and they are hereby, appointed and created a Board of Commissioners, to lay off, locate, and do all things lawful and necessary, to open a turnpike road from the town of Rogersville, in Hawkins County, by the way of Little War Gap, and through the County of Hancock, to the Virginia line, near Black Water; that said turnpike road shall be known as the "Rogersville & Little War Gap Turnpike;" and as such, shall be liable to all the pains, penalties, and restrictions, and to all the rights, privileges, and immunities granted by this Act to the Pikeville Turnpike Company.

Refusal or evasion of toll

SEC. 11. *Be it further enacted*, That any person entitled to pay toll, who passes a turnpike gate without paying toll, or avoids paying toll, by going round any such gate, shall, upon proof before any Circuit Court, or Magistrate's Court, be fined, not less than ten dollars, nor more than twenty-five dollars, for the first offense; and for the second offense, may be fined double the amount named, and imprisoned, not less than ten days, nor more than thirty days.

SEC. 12. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed December 12, 1867.

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CHAPTER XXXII.

AN ACT for the Relief of John Ruhm.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of five hundred and ninety-eight ($598) dollars, be, and the same is hereby appropriated for John Ruhm, of Nashville, for printing certain Proclamations of the Governor, and certain laws of the State, and that the Comptroller issue his warrant on the Treasurer, in favor of said Ruhm, for that amount. $598 for Printing

F. S. RICHARDS,
Speaker of the House of Representatives
D. W. C. SENTER,
Speaker of the Senate.

Passed December 13, 1867.

CHAPTER XXXIII.

AN ACT to Extend the Limits of the Town of McMinnville, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed October 20, 1813, for the better regulation of the town of McMinnville, and other Acts incorporating said town, be so amended, as to extend the limits of said corporation, as follows, to wit: Beginning at the McMinnville & Manchester Railroad bridge, on the Barren Fork; running thence, on a direct line to, and including the residence of James W. Johnston; thence, with a direct line, to the South corner of the lot of John Powel; thence, with a direct line to the spring near the North-west corner of said lot; thence, with a direct line, to the South-east corner of Joseph Alexander's quarry lot, near the road leading to the Central Factory; thence, with a direct line to, and including the dwelling house of J. P. Clark; thence with a direct line, to the round house; thence, with a direct line, to the beginning. Corporation Line or boundary.

SEC. 2. *Be it further enacted*, That said Acts be so amended as to authorize the election of a Mayor and

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six Aldermen, by the qualified voters of said corporation; said election to be held on the first Monday in January, annually; the qualification of said electors being the same as those for members of the General Assembly, to be known as the City Council of the Town of McMinnville.

Election of Mayor and Aldermen.

SEC. 3. *Be it further enacted*, That the ordinances of said corporation shall be printed, and kept posted up at the Court-house door continually.

Ordinances.

SEC. 4. *Be it further enacted*, That it shall be the duty of the City Council to have published, annually, in one or more of the town papers, a full and complete statement of the expenditures of said corporation.

Expenses.

SEC. 5. *Be it further enacted*, That the law, authorizing the election of an additional Justice of the Peace for said corporation, be, and the same is hereby, repealed.

Justice of the Peace.

SEC. 6. *Be it further enacted*, That all laws or parts of laws contrary to this Act, be, and the same are hereby, repealed.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed December 12, 1867.

CHAPTER XXXIV.

AN ACT to Amend the Charter of the Atlantic, Tennessee & Ohio Railroad Company; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the following charter shall stand in lieu, and be substituted for, the charter of the Atlantic, Tennessee & Ohio Railroad Company.

SEC. 2. *Be it further enacted*, That the formation of a company is hereby authorized, which, when formed, shall be a body corporate, by the name and style of the "Mineral Home Railroad Company," and by such corporate name shall be capable to buy, receive by gift, hold, sell and convey, real and personal estate, as hereinafter pro-

Mineral Home Railroad Company.

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vided; make contracts, sue, and be sued; to make by-laws, and do all lawful acts properly incident to corporations and to the business for which it is hereby incorporated; and to have and use a common seal, the same to destroy at its pleasure; and shall have succession for ninety-nine years of members, as hereafter provided. Rights, etc.

SEC. 3. *Be it further enacted*, That books for the subscription of ten thousand shares of the capital stock of said company, of twenty-five dollars each, shall be opened on the first day of January, 1868, and shall be kept open for thirty days, Sundays excepted, between the hours of ten o'clock in the morning, and four o'clock in the evening, of each of those days, at the town of Taylorsville, by the following persons: M. M. Wayner, Thos. S. Smith, R. L. Wilson, J. D. Donnerly, R. R. Butler, William E. Johnson, Rufus B. Wiles, John W. Smith, Alexander Ward, Daniel Wayner, R. E. Berry, Richard Donnelly, and H. H. Murphy. Stock Books.

SEC. 4. *Be it further enacted*, That the said Commissioners, or a majority of them, at each of the places aforesaid, shall receive subscription for stock in the said railroad company, during the time the said books are hereinafter directed to be kept open; and on each share so subscribed, shall demand and receive one dollar, without which, the subscription shall be void. Bonus.

SEC. 5. *Be it further enacted*, That as soon as the time of receiving subscription aforesaid, shall have expired, the said Commissioners shall, respectively, deposit all the moneys so received by them, in some solvent bank, doing business in this State, or in some other safe depository, to the credit of the Mineral Home Railroad Company, and subject to the orders of the President and the Board of Commissioners hereinafter provided for, and appointed; and shall also forward a correct list of the subscribers, as well as the amount of stock each one shall have subscribed to the stock of said company, to said Board of Commissioners, to be composed of the following persons: Isaac F. Shum, Andrew Wagoner, R. H. Donnelly, Geo. J. Walker, Frederick Slimp, Harvey S. Johnson, W. L. Allen, Calib Wills, S. E. Northington and Andrew Wilson; who, or a majority of whom, shall constitute a quorum to do business; and said Commissioners, immediately after the passage of this Act, or as soon thereafter as convenient, shall meet in the town of Taylorsville, choose a President, establish rules to govern their proceedings, appoint such other officers and agents as they may think proper, and prescribe their duties. They shall have power, and are hereby directed, to appoint an agent, or agents, to solicit stock in said corporation, in any State or country; and said Board Commis'ers to deposit, etc. Meeting.

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of Commissioners shall ascertain, from time to time, the whole number of shares taken in said company; and as soon as the number of five hundred shares, of twenty-five dollars per share, shall have been subscribed, on which the sum of one dollar per share shall have been paid, the Mineral Home Railroad Company shall be regarded as formed; and thenceforth, and from that date, the subscribers of the said stock shall form a body politic and corporate, in fact, and in law, by the name, and for the purposes aforesaid, and in all things to be represented by the Board of Commissioners aforesaid, under a Board of Directors hereinafter prescribed.

When corporation is formed.

SEC. 6. *Be it further enacted*, That upon the fact being ascertained, of the subscription of five hundred shares aforesaid, and the payment aforesaid of one dollar to the stock of said company, the Board of Commissioners may proceed to survey the route of said road, and estimate the cost of its construction. Nevertheless, no conclusive binding location of said road shall be made by the Commissioners; but the same shall be left to the determination of the Board of Directors, chosen by the stockholders, in the manner hereinafter directed. Said Directors shall have power to increase the number of shares in said company, to the amount necessary to complete said road.

Location of road.

SEC. 7. *Be it further enacted*, That the affairs of said company shall be managed by a Board of eleven Directors, any seven of whom shall constitute a quorum to do business; nine of whom shall be chosen by the stockholders in the manner hereinafter provided, and two of whom shall be appointed and commissioned by the Governor; and a President of the company shall be elected by the Directors from their number, in such manner as the Board of Directors may prescribe.

Affairs, how managed.

SEC 8. *Be it further enacted*, That at the first election for Directors, the Board of Commissioners shall have the power to appoint three Judges and two Clerks, for the purpose of holding said election; and upon the certificate of said Judges, the persons so elected Directors, shall be authorized to qualify as Directors.

First election.

SEC. 9. *Be it further enacted*, That, in order to continue the succession of the President and Directors of said company, thirteen Directors shall be chosen, annually, by the stockholders of said company, at such times and places as the President and Directors may designate, giving thirty days' notice of the same, by advertisement at the court-house door in the town of Taylorsville, and three other public places in the County of Johnson; and ten Directors shall be appointed and commissioned by

Annual election.

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the Governor; and the Directors thus chosen and appointed, of said company, shall have power to appoint Judges and Clerks of all elections, and to elect a President from the members of said Board of Directors, and to allow him such pay for his services, as they may think proper; and if any vacancy occur, by death, resignation, or otherwise, of any President or Director, before the time he was elected for, has expired, a person, to fill such vacancy for the unexpired time, shall be appointed by the President and Directors; and the President and Directors shall hold, and exercise their offices, until their successors are elected and qualified. If the time fixed by a by-law of the corporation for holding the annual election of Directors, shall have passed without the holding an election for Directors, the corporation shall not be, on that account, dissolved, but it shall be lawful, on any other day, to hold and make such election.

Powers of Directors.

Failure to elect.

SEC. 9. *Be it further enacted*, That said company shall be governed by the rules, regulations, and requirements of the 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21st sections of An Act, passed May 24th, 1866, entitled "An Act to Incorporate the Tennessee & Pacific Railroad Company, and for other purposes;" and shall receive the same benefits, and be bound by the same restrictions of subsequent amendments of said Act, so far as they can be made to apply to said company.

How governed, benefits, etc.

SEC. 11. *Be it further enacted*, That all the privileges, and all the State aid heretofore given to the Atlantic, Tennessee & Ohio Railroad Company, are hereby given and granted to the Mineral Home Railroad Company.

State aid

SEC. 12. *Be it further enacted*, That the same State aid to railroads, provided for by the Act of 1852, Chapter 151, and subsequent Acts amendatory thereof, commonly called, the Internal Improvement Law, is hereby, granted to the Mineral Home Railroad Company; and whenever it shall be satisfactorily shown to the Governor that ten (10) miles of said road is bridged and graded, ready for the iron rails, and superstructure, he shall be authorized, and is hereby, authorized, to issue and deliver up on the application of the President of said company, the amount and kind of bonds provided for as aid to said road, in said general internal improvement law, which shall not be sold below par value; and as fast as every additional ten (10) miles shall be prepared as described in said law, the additional amount of same kind of bonds, shall, by the Governor, be issued and delivered in like manner, to said company.

Same

Duty of Gov'r

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Location, or route.

SEC. 13. *Be it further enacted*, That the location and route of said Mineral Home Railroad shall be, commencing on the Tennessee and North Carolina line, in the direction of Charlotte, and running through Johnson County, Tennessee, at or near Taylorsville, the nearest and most practicable way, to the Virginia line, in the direction of the Virginia and Tennessee Railroad.

Memphis Transportat'n Company.

SEC. 14. *Be it further enacted*, That the name of the "Memphis Fuel and Transportation Company," incorporated in An Act, passed March the 8th, 1867, be, and the same is hereby, changed to the "Memphis Transportation Company."

Charter of Chattanooga amended.

SEC. 15. *Be it further enacted*, That the charter incorporating the City of Chattanooga, and amendatory thereto, be so amended, that the Mayor and Aldermen, and the City Council, be elected, on the last Saturday in December, in each and every year: the present offices to become vacant on the last Saturday in December, 1867.

Same.

SEC. 16. *Be it further enacted*, That the 16th section of the Act, amendatory to the Act creating the corporation of Chattanooga, be, and the same is hereby, repealed; and all laws, or parts of laws, in conflict with this Act, are hereby, repealed.

SEC. 17. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed December 14, 1867.

CHAPTER XXXV.

AN ACT to Incorporate the Lebanon & Gallatin Railway; and for other purposes.

Incorporators

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That L. Drifoos, J. H. Britton, J. D. Owen, A. A. Harris, Turner Vaughan, W. L. Waters, E. J. Gollady, C. C. H. Burton, Thomas J. Stratton, J. B. Richmond, J. W. Phillips, E. S. Smith, A. W. Cox, J. B. Scoby, Samuel McElpatrick, of Wilson

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County; and John W. Head, J. H. Rees, Wm. Dodd, A. C. Franklin, W. S. Monday, James Vertrees, J. B. Hobdy, James F. Lauck, Lee H. Alley, T. McKinley, and James Peacock, of Sumner County, together with such persons as may hereafter become associated with them, and their successors and assigns, shall constitute a body corporate, and they are hereby incorporated, under the name of the "Lebanon and Gallatin Railroad Company;" and under that name, they shall have succession for ninety-nine years; may sue and be sued, plead and be impleaded; and shall have all the rights and immunities of corporations, with power to make such by-laws, rules and regulations, not inconsistent with the Constitution and laws of this State, or of the United States, as shall be necessary to the well-ordering, regulating and conducting the affairs of said company, and their Directors, officers and servants. Powers, privileges, etc.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not exceed six thousand shares, of one hundred dollars each; which shares may be subscribed by corporations, cities, towns, counties, or individuals; and so soon as fifty thousand dollars are subscribed, the subscription shall be binding; and the corporate powers of said company, as herein granted, shall commence and have full operation, as if the whole of the shares, comprising the capital stock, was subscribed. Capital Stock

SEC. 3. *Be it further enacted*, That the persons named in the first section of this charter, shall select, by ballot, five of their number, who are authorized to open books for subscription to the capital stock of the company, at such time and places as they may deem advisable; and to apply for subscriptions to counties, cities, towns and corporations, as herein provided; and a meeting may, at any time, be called by three of the said corporators, for the purpose of electing five of their number, as aforesaid. Said meeting to be held at Lebanon; and a majority of the votes cast, shall be sufficient to make the election. Subscription Books, etc.

SEC. 4. *Be it further enacted*, That subscriptions to the capital stock of said company, may be taken in cash, in subscriptions for work, the stock or bonds of other dividend paying railroad companies, county and corporation bonds, and real estate lying near the line of the road, and other property, upon such terms as may be agreed on by said Commissioners and those taking stock, unless the terms are otherwise regulated by this charter. What may be taken as stock.

SEC. 5. *Be it further enacted*, That so soon as fifty thousand dollars of the capital stock is taken, said five Commissioners shall cause an election to be held, after Election.

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giving due notice of time and place, for Directors; and a Board of seven Directors shall be elected by the stockholders; and said Directors shall elect, from their number, a President and Vice-President, and such inferior officers and agents, not of their number, as shall be deemed necessary, from time to time, by the Board; but the Board may confer upon the President, Superintendent, or other officer, the appointment of inferior agents of the company.

Officers.

Annual election.

SEC. 6. *Be it further enacted*, That the Directors shall be elected annually, by the stockholders, at such time and place as shall be designated by the Board; and shall hold their offices for one year, and until their successors are elected and qualified; and the Board shall have power to fill all vacancies in its own body, to serve until the next regular election.

Same, vacancies, etc.

SEC. 7. *Be it further enacted*, That the President and Vice-President shall be chosen by the Board of Directors, from their number, and shall hold their offices for one year, and until their succesors are chosen and qualified. The Board shall have power to fill vacancies in the offices of President and Vice-President, to serve untill the next annual election. The inferior officers and agents shall be elected and hold their positions, as the Board may direct.

Take oath.

SEC. 8. *Be it further enacted*, That the President, Vice-President, and Directors, shall be sworn by some Justice of the Peace, and the oath be filed with the Records of the company, faithfully to discharge the duties of their offices; and the other officers shall likewise take an oath of office before entering upon the discharge of their duties; and the Board shall have power to require all officers and agents of the company, to give bond and security, payable to the corporation, in such penalty and with such conditions as shall be prescribed by the by-laws of the company; and all such bonds shall not be void for want of form, nor upon the first or other recovery; but may be put in suit, and recovery had, as often as the conditions thereof shall be broken, to the damage of the company, or any individual; *Provided*, that this Act shall not be so construed as to grant State aid.

Give Bond, etc.

Annual election, when held.

SEC. 9. *Be it further enacted*, That the annual election of Directors shall be held on the first Saturday in January; but, if, for any cause the election could not be held on that day, it may be held as soon thereafter as practicable, in such manner as may be prescribed by the by-laws. The Board thus elected, to hold their offices till the next regular election in January.

SEC. 10. *Be it further enacted*, That the election of Directors and officers, shall be held in such manner, as shall

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be prescribed by the by-laws of the company; but the votes of the stockholders may be cast in person, or by written proxy, signed by such stockholder; and every stockholder being present in person, or by proxy, at such elections, shall be entitled to give one vote for each share of stock he may hold; and administrators, executors, guardians, and other trustees, shall be authorized to vote upon stock represented by them. No person shall be eligible to the office of President. Vice-President, or Director, unless he shall be a stockholder, owning stock, absolutely in his own right, to the amount of two shares. How held.

SEC. 11. *Be it further enacted*, That the capital stock of said company, including assets, stations, the track or bed of the road, fixtures, and equipments of said company, shall, for the period of ten years from the completion of said road, be exempt from all taxation. Taxation.

SEC. 12. *Be it further enacted*, That the Board of Directors shall fix the pay of the President, Vice-President, Directors, and inferior officers, which shall not be increased or diminished during the term for which the incumbents are elected. Compensation.

SEC. 13. *Be it further enacted*, That meetings of the stockholders may be called at such times and for such purposes, as may be prescribed in the by-laws of the company; and the Board shall meet upon its own adjournments, or upon the call of the President, or, in his absence, of the Vice-President. A majority of the Board shall constitute a quorum to transact business. Called meetings.

SEC. 14. *Be it further enacted*, That upon obtaining a subscription of stock to the amount of fifty thousand dollars, and the organization herein provided, calls may be made for payment of the stock, at such times and in such amounts, as may be deemed necessary by the Board; and the Board may proceed to put the road under contract, and take such other steps as may be necessary for the completion of their railway, as herein provided. Payment of Stock.

SEC. 15. *Be it further enacted*, That said company is hereby vested with all the power and rights necessary to the construction of a railroad, from the town of Lebanon, in Wilson County, to intersect with the Louisville & Nashville Railroad, at the town of Gallatin, in Sumner County; and by their officers, engineers, agents and servants, shall have full power and authority to enter upon all lands and tenements through which they may judge it necessary to make said road, and lay out the same, according to their pleasure, so that neither dwelling house, yard or garden, be involved, without the consent of the owner or proprietor thereof. If the company cannot agree with the owner of lands necessary for General powers to build road, etc. Lands.

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their use, or if the owner is incompetent to contract, or is a non-resident of the State, so that a title or right of way cannot be obtained by contract, to the lands necessary to construct said road, and to the necessary grounds for depots, turn-outs, switches, stations, and necessary conveniences, upon which to transact the business of the company, either party may apply, by petition, to the Circuit Court of the county in which the lands lie, giving five days' notice, if the owner of the land resides in the State, and twenty days' notice by publication in a newspaper published in the county where the land lies, if a paper be published in said county, and if not, then in some paper published at Nashville, if the owner or owners reside out of the State, for the appointment of Commissioners to assess the value and damages; and condemn the land for the use of said company, for the purposes aforesaid. Said court shall appoint a guardian *ad litem* for all persons who are not competent to act for themselves, and have no person to represent them. Upon due proof of notice having been given, the court shall appoint five freeholders of the county to act as Commissioners; who, after being duly sworn by some Justice of the Peace, shall ascertain what damages the owner will sustain, if any, by the location of said road and grounds, and the appropriation of the same to the use of the company, for the purposes of the road; said Commissioners taking into consideration the benefit of the road to the owner of such lands, and the tendency the road will have to increase in value the other lands of the owner. Said Commissioners, or any three of them concurring, shall report their action to the court, as soon as practicable; and if said report is not excepted to, the same shall be confirmed, and entered upon the minutes of the court. Should either party except to the report, and issue shall be made under the direction of the court, and submitted to a jury, as in other cases, either party shall be entitled to an appeal to the Supreme Court; but, should exceptions be filed to the report of the Commissioners, it shall not operate as a suspension of the work on the road, and the company may proceed as though the title to the lands was vested; being bound to pay, upon the final decision, the amount awarded against said company. That said company may, in their discretion, make their bridge across Cumberland River a pass-way for stock, wagons and carriages, for a reasonable toll, and under such rules and regulations as they may adopt; *Provided*, the toll does not exceed the charges for ferriage across said river, as fixed by the County Courts of Wilson and Sumner.

How taken.

Circuit Court shall appoint Commiss'ers.

Report.

Appeals.

Bridge.

SEC. 16. *Be it further enacted*, That the company may

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locate their road, and proceed to the construction of the same, without awaiting the appointment of Commissioners; but, upon the permanent location of the road, the fee simple title to the land shall vest in the company, subject to a lien for the value, and damages that may be awarded to the owner. Need not wait for Comm'ers.

SEC. 17. *Be it further enacted*, That said company may enter upon any adjacent lands, and cut, quarry, dig, take and carry away therefrom, any timber, stone, gravel, or earth, which may be necessary to the construction or repair of their road; for all which materials, and for all incidental damages done to grounds, works, enclosures, or crop, the company shall make to the owner reasonable compensations; and if the same cannot be agreed on, Commissioners shall be appointed, and proceedings had for that purpose, as provided in section 15 of this Act. May take materials, etc.

SEC. 18. *Be it further enacted*, That said company shall have the right to build a bridge across the Cumberland River, at some convenient point, for the use of their road; but shall so construct said bridge, as to interfere as little as possible, with the navigation of said river. Bridge.

SEC. 19. *Be it further enacted*, That the five Commissioners, provided for in the third section, may apply to the County Courts of Sumner and Wilson Counties, and to the corporate authorities of the towns of Lebanon and Gallatin, for subscriptions to the capital stock of the company; payable in the bonds of said counties and towns, running not less than ten, nor more than thirty years, bearing six per cent. interest, payable semi-annually; and upon said application being made, in writing, the County Courts, and corporate authorities, shall cause an election to be held, under the laws now in force, regulating elections for county and corporation officers, first causing thirty days' notice of the day of such election, the amount of stock to be subscribed, for what purpose, and how, and when payable, to be given as required in county and corporate elections. Sumner and Wilson Co's. Election.

SEC. 20. *Be it further enacted*, That all the elections thus held, those voters who are in favor of the subscription, will put on their tickets, the words "For Subscription," and those opposed, "No subscription;" and if a majority of the votes cast be in favor of the subscription, the Judge or Chairman of the County Court, or the Mayor of the corporation, shall subscribe the amount of stock so voted for, in the name of the county or corporation, and issue bonds in payment thereof, as herein provided. How to vote, etc.

SEC. 21. *Be it further enacted*, That, upon the return of the vote, if in favor of the subscription, the Judge or

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Chairman, Mayor, etc., to issue Bonds.

Chairman of the County Court, or the Mayor of the corporation, shall issue, and deliver to the President of said company the bonds of the county or corporation, with coupons attached, in payment of said stock; which shall be made payable to the company, at such place in the United States as the President of the company shall direct. Said bonds shall be signed by the Judge or Chairman of the County Court, and countersigned by the Clerk thereof; and the coupons shall be signed by the Clerk. The bonds and coupons of the corporation shall be signed by the Mayor.

President to give Certificates.

SEC. 22. *Be it further enacted*, That upon the issuance and delivery of the bonds, as provided for, to the President, he shall give to the Judge or Chairman of the Court, or the Mayor of the corporation, Certificates of Stock to the amount of bonds so delivered; and said certificates shall be duly filed and recorded.

Court or corporation to levy tax.

SEC. 23. *Be it further enacted*, That the County Court and corporate authorities, so soon as said bonds are issued, under the provisions of this Act, shall provide for the payment of the accruing interest, by levying a tax upon the taxable property, privileges, and persons liable to taxation; which tax shall be levied and paid upon the principle of levying other county and corporate taxes; and the same shall be sufficient to pay the interest on the bonds, and the expenses incident to the collection and disbursement of said tax.

Tax Collector

SEC. 24. *Be it further enacted*, That the County Court and the Mayor and Aldermen, may elect a Collector, to collect the railroad tax, who shall give bond and good security, in an amount sufficient to secure the tax to be collected, payable to the State of Tennessee; conditioned that he will discharge his duty, and faithfully account for and pay over said taxes, as they may be collected, to the Trustee of the county, and the officer designated by the Mayor and Aldermen to receive the corporation tax.

Payment of interest, etc.

SEC. 25. *Be it further enacted*, That the County Trustee and the officer of the corporation, shall apply the fund so collected and paid to him to the payment of the accruing interest of said bonds, as the same shall fall due; or make an arrangement with the company to pay the interest, and pay the fund to said company, which shall apply the same to the payment of said interest.

SEC. 26. *Be it further enacted*, That the collector of said tax, shall have the same powers, and be subject to the same duties and liabilities, as by the existing laws other revenue collectors have, or are subject to; and he and his sureties shall be proceeded against in like manner.

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SEC. 27. *Be it further enacted*, That the Clerk of the County Court, so soon as the amount of tax is prescribed by the court, shall make out and furnish to the collector of the railroad tax, a list, showing the amount of tax that each individual shall pay; basing the same on the last valuation of taxable property, and privileges paying taxes. Tax List.

SEC. 28. *Be it further enacted*, That said company shall pay the dividends due on the stock of any county or corporation, to the Trustee of the county, or Mayor of the town or city, or to such other person as may be appointed to receive the same by the court or corporate authorities, who shall apply the said dividend to the payment of the interest due on said bonds; and whenever the dividends shall be sufficient to meet the annual interest on the bonds, the tax shall be suspended; to be again levied and collected when necessary to meet the accruing interest on the bonds, or any part thereof. Dividends.

SEC. 29. *Be it further enacted*, That the collector of the tax, shall give to each tax payer, a certificate, showing the amount of tax paid; and upon presentation of said certificates to the amount of one share of the capital stock, countersigned by the Clerk of the County Court, the company shall issue to the holders, stock for the same; and said certificates may be traded and assigned, thereby conferring all the rights of the original owner upon the assignee. Certificates.

SEC. 30. *Be it further enacted*, That the County Court, and corporate authorities may make such orders, appoint such agents, and take such steps as may be necessary to make a proper distribution of the dividends arising from their stock, in payment of the interest, and in the redemption of said bonds; and in the event, the dividends do not meet and discharge the bonds before their maturity, a tax shall be levied and collected, as herein provided, to be paid over to the bond-holders; and the stock based upon said bonds, shall be transferred to the tax payers, in proportion to the amounts paid by them in the redemption of the bonds; said tax receipts shall, likewise, be transferable. Dividends, Bonds, etc.

SEC. 31. *Be it further enacted*, That the Circuit Court shall have power to issue writs of *mandamus*, to compel the County Court and corporate authorities to carry into effect the provisions of this Act, so far as it is incumbent on them to do so. Mandamus.

SEC. 32. *Be it further enacted*, That the collector of the tax, and the Clerk of the County Court shall be allowed such compensation as may be fixed by the County Court, or the corporate authorities. Compensat'n.

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Stock, how represented.

SEC. 33. *Be it further enacted*, That the Judge, or Chairman of the County Court, or the Mayor of the town taking stock, shall represent the stock of the county or corporation, either in person or by proxy, in all elections, and general and called meetings.

May be sold.

SEC. 34. *Be it further enacted*, That the County Court, with the concurrence of a majority of the Justices of the county, or the Mayor, with the concurrence of the Aldermen, may sell the stock of the county or corporation, and redeem their bonds, and make disposition of any surplus funds they may have; *Provided*, said County Court, or Mayor and Aldermen, shall not sell said stock for a less sum than the amount of bonds outstanding against said county or corporation, issued as stock in said railroad company, unless authorized by vote of the legal voters of said county or corporation so to do.

Code. Ch. 8, Art. 8.

SEC. 35. *Be it further enacted*, That the provisions of Chapter 3, Article 3, of the Code, shall be in force, and said company shall have the benefit of the same, except so far as modified or changed by this Act.

May consolidate with L. & N. R. R., etc

SEC. 36. *Be it further enacted*, That said company may, upon such terms as may be agreed on, consolidate their road and stock with the Louisville & Nashville Railroad Company, or any other railroad company; and when thus consolidated, the stockholders of this company shall have all the rights, powers, and privileges conferred by their charter, upon the stockholders of the company with which they may consolidate, if such is the agreement of the two companies; and in making said agreement, this company may provide for placing their road under the control and management of such company, and for becoming a part and parcel of said road.

Charter to control.

SEC. 37. *Be it further enacted*, That, if this company is consolidated with any other company, and there is any conflict between the two charters, the charter of the company with which the consolidation is made shall control, unless otherwise agreed between the two companies.

SEC. 38. *Be it further enacted*, That the stock taken by the company shall not bear interest.

Survey.

SEC. 39. *Be it further enacted*, That the vote may be taken for subscriptions of stock by counties and corporations upon the survey made by Samuel McElpatrick, on——day of July, 1867; but the company may, if for the interest of the road, make the necessary changes for that purpose, and to meet the provisions of this Act.

Tenn & Pac. Railroad.

SEC. 40. *Be it further enacted*, That the provisions of sections 3, 4, 19, 29, 35, and 37, of this Act, be, and the same are hereby extended to the Tennessee & Pacific

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Railroad Company; and that this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 16, 1867.

CHAPTER XXXVI.

AN ACT to Amend the Charter of the City of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all that district of country embraced in the following limits, as designated on Rucker's Map of Memphis, to-wit: Beginning at the mouth of Wolf River, where it empties into the Mississippi River, and following the meanderings of Wolf River to a point directly west of Brinkley Street; thence eastwardly to Brinkley Street, and following the line of said street, protracted to its intersection with Moseley Avenue; thence south by the line of Moseley Avenue to the Raleigh road; thence eastward on the line of the Raleigh road to its intersection with Brinkley Avenue; thence south by the line of said Avenue to its termination; thence on a straight line extended to Dunlap Street, and by the line of said street, south to the west boundary of Elmwood Cemetery; thence by said boundary line to Walker Avenue; thence by the line of Walker Avenue west, to Bayou Gayoso; hence northwardly by the said Bayou to Gaines Street, and by the line of this street west, to the Mississippi River; thence northwardly by the meanderings of the river to the place of beginning, is hereby united and erected into one city, to be called the City of Memphis. Boundary Line of City.

SEC. 2. *Be it further enacted*, That the territory added by this Act to the previous limits of the City of Memphis, shall be divided into two wards, with boundaries as follows, to-wit: All the addition north of Madison Street, shall constitute the Ninth Ward; and all that south of said street, the Tenth Ward. These limits to remain until after the next charter election, and such time thereafter as the Board of Mayor and Aldermen New Wards.

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may equalize and fix anew the boundaries of the wards, as provided in the charter. There shall also, at the election on the first Thursday of January next, be elected two Aldermen from each of these new wards, to hold office for the same term, and on the same conditions, as the Aldermen from the other wards of the city.

Election.

SEC. 3. *Be it further enacted*, That so much of An Act entitled "An Act to amend the charter of the City of Memphis," passed November 24th, 1866, as empowers the Mayor and Board of Aldermen to appoint Registers for wards in the city, and provides for ward registration, and also requires the voters of the city to be registered in their respective wards, and prescribes penalties for voting without such registration, the same is hereby repealed; the voters being only required to exhibit their certificate of registration from the Commissioner of Registration of Shelby County, and to be residents of the city to entitle them to vote at municipal elections.

Registration of voters.

SEC. 4. *Be it further enacted*, That the Board of Mayor and Aldermen, for the purposes of funding the debt of the city, shall have power to issue the bonds of the city, bearing interest at the rate of six per cent. per annum, and having not more than thirty years to run; but this authority shall not be exercised, unless the ordinance authorizing the same, shall first be submitted to a vote of the qualified voters of the city, at an election to be held for that purpose, and after giving ten days' notice of the time and place of election, in the daily newspapers of the city; and, if a majority of all those voting shall decide against the proposition, then the bonds shall not be issued.

May issue Bonds, etc.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed December 3, 1867.

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CHAPTER XXXVII.

AN ACT to Incorporate the Clarksville Middle Bridge Company; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body corporate and politic is hereby constituted, called the "Clarksville Middle Bridge Company," for the purpose of erecting, using and maintaining a bridge across Red River, in Montgomery County, Tennessee, at, or near the mouth of West Fork of Red River; and by that name to sue and be sued, plead and be impleaded, and do all other acts and things which may be necessary to construct, maintain and manage, use and keep up the same; and said company shall have succession and corporate existence for thirty years. Powers.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be forty thousand dollars, which may be increased to seventy-five thousand dollars by vote of the Directory, when deemed necessary. The said stock to be made up of shares of fifty dollars each; and as soon as twenty thousand dollars are subscribed for, said stockholders shall proceed to organize, by the election of seven Directors, who shall choose from their number a President of the company, and said President and Directors shall appoint such other officers and agents as may be deemed necessary, and in such manner as they may deem best. Capital Stock, Organization, etc.

SEC. 3. *Be it further enacted*, That S. F. Beaumont, S. Kellogg, T. B. Matthat, J. Peterson, Wm. N. Daniel, T. J. Mumford, and R. W. Humphreys, all of the County of Montgomery, are hereby constituted a Board of Commissioners; any three of whom may open books, at such times and places as they may choose, to receive subscriptions for said capital stock, and manage all the affairs of said company, until organized as aforesaid; and in all elections, and wherever a vote is to be taken, each stockholder shall have a vote for each share of stock subscribed for and owned by him, and may vote by proxy or in person, agreeable to the by-laws of said company; *Provided*, that after the completion of said bridge, none but paid up stock shall entitle any one to vote. Commissioners. Voting.

SEC. 4. *Be it further enacted*, That said Commissioners, or the President and Directors, shall be authorized to receive, in subscription for the stock in said company, money, real estate and personal property, and may hold, Subscriptions.

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and transfer by vote, any real estate that may be subscribed as stock in said company. They may also hold any land that may be necesary for the site of said bridge, and the approaches thereto; and shall have authority to condemn land for the aforesaid purpose, and appropriate the same, by making a fair compensation to the owners thereof; and shall have power to open roads to and from the said bridge on either side of said river.

May condemn land, etc.

SEC. 5. *Be it further enacted*, That said company shall have power to make its own by-laws, not inconsistent with the laws of Tennessee, or the Constitution of the State, or of the United States.

By-Laws.

SEC. 6. *Be it further enacted*, That said company shall have power to sue for and recover the unpaid calls on the stock of any delinquent stockholder, or declare the said stock forfeited, and sell it at auction, and recover the balance from said stockholders, if any there be; and the stock in said company is hereby declared personal property, and may be transferred on the books of said company.

Delinquent Stockholders.

SEC. 7. *Be it further enacted*, That the officers of said company shall hold office for one year, or until their successors are elected.

Terms of officers.

SEC. 8. *Be it further enacted*, That when said bridge shall have been completed, ready for travel and transportation across the same, said company may erect gates across said bridge, and charge and receive the following toll for crossing the same: For horse and rider, 5 cents; vehicle drawn by two horses, 20 cents; vehicle drawn by three horses, 25 cents; vehicle drawn by four horses, 30 cents—over four, for each additional one, 5 cents; vehicle drawn by one animal, 15 cents; horses, mules or cattle, driven or led, per head, 3 cents; hogs, calves, sheep or goats, per head, 2 cents.

Gates.

Toll.

SEC. 9. *Be it further enacted*, That the County of Montgomery and the City of Clarksville, acting through their legal representatives, may each take and subscribe stock in said company, not to exceed the sum of five thousand dollars each, and issue bonds to said company, payable in twenty years, with interest at six per cent., payable semi-annually, in payment of said stock.

Montg. Co. & Clarksville.

SEC. 10. *Be it further enacted*, That F. S. Davis, W. J. Smith, M. J. Wicks, P. M. Patterson, James Lee, Sr., M. T. Ryder, and their associates, heirs or assigns, be, and the same are hereby, incorporated a body politic and corporate, under the name and style of the "Memphis and St. Louis Transportation Company, of the City of Memphis," and shall have and enjoy all the rights and privileges and immunities granted to the Memphis

Memph. & St. Louis Trans. Company.

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and Arkansas River Packet Company, in an Act passed November 17, 1866.

SEC. 11. *Be it further enacted*, That said company shall, at all times, carry freights for the citizens of Memphis, at the same price as those for the railroad; and that this Act take effect from and after its passage. Rates of Freight.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed December 16, 1867.

CHAPTER XXXVIII.

AN ACT to Charter the Overton Hotel Trust Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That B. B. Waddel, Patrick G. Meath and James E. Merriman, and their associates, successors and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Overton Hotel and Trust Company," and by that name shall have succession for ninety-nine years; and shall be competent to sue and be sued, in any court of law and equity whatever; to have and use a common seal, and to alter the same at pleasure; to establish any by-laws of said company; to purchase, hold, and dispose of, by sale, lease or otherwise, all such real or personal property as may be necessary, in the transaction of the business of said company; to erect such buildings and edifices, and to make such improvements as such company may deem for the best interests of the same; and to do any and all things necessary in fitting, furnishing, and keeping a hotel, in all its branches and departments; to have the right to pay in shares of stock of the corporation for such interest, or interests, in all such real and personal property as the company may purchase or lease; and generally to have and enjoy such rights and privileges incident to corporations, except the right to engage in banking, or real estate brokerage; *and provided*, that nothing in this Act shall be so construed as to subject the property of said company to a lower rate of taxation than if held by individuals. Powers, privileges, etc. Same, shares.

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SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 17, 1867.

CHAPTER XXXIX.

AN ACT to Amend An Act Incorporating the Ætna Manufacturing, Mining, and Oil Company, passed December 11, 1865.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act incorporating the "Ætna Manufacturing, Mining and Oil Company," passed December 11th, 1865, be so amended, as to repeal all of said Act as allows and requires manufacturing, mining and boring for oil purposes, and that, hereafter, the company shall be known as the "Ætna Branch of the North-Western Railroad," and shall be confined to the construction and operation of said railroad as granted in the charter, which this is intended to amend.

Ætna Branch of the N.-W. Railroad.

SEC. 2. *Be it further enacted*, That the names of D. Hillman, George W. Goodrich, and L. S. Goodrich, be stricken out of the third section, and the names of S. L. Graham, W. G. Clogget William Maxwell, L. S. Goodrich and A. Hicks, be inserted.

Incorporatrs' names changed.

SEC. 3. *Be it further enacted*, That section 11, be so amended as to hold the President and Directors responsible when they contract greater debts than the amount of stock, without the consent of the majority of stockholders, given by a vote at a regular or called meeting.

President and Directors responsible.

SEC. 4. *Be it further enacted*, That L. M. Blackman, Benj. W. Bowman, James W. Bowman, Gideon M. Bowman, and John W. Brock, their associates and successors, are hereby constituted a body politic and corporate, under the name and style of the "Unica Oil, Salt, Mining, and Manufacturing Company," with succession for thirty-three years, and shall be invested with all the rights, powers, and privileges heretofore granted to the Kentucky & Tennessee, Oil, Salt, Mining and Manufacturing Company, under An Act passed January 25, 1867, and subject to like limitations and restrictions.

Unica Oil, etc. Company.

Rights,

SEC. 5. *Be it further enacted*, That Thomas T. Peary, of Warren County, be authorized to build a Mill-dam on Hicky Creek, near his residence.

T. T. Peary.

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SEC. 6. *Be it further enacted*, That Archibald C. Rogers, be, and he is hereby, authorized to rebuild his iron works on Rocky River, near his residence, in Van Buren County, any law, usage or custom to the contrary. A. C. Rogers.

SEC. 7. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 13, 1868.

CHAPTER XL.

AN ACT to Incorporate the Widow's and Orphan's Fund Life Insurance Company; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That E. D. Farnesworth. J. H. Oney, R. C. Foster, 3d, J. L. Weakley, H. C. Hensley, and all others who may hereafter be associated with them, are hereby declared a body politic and corporate, under the name and style of the "Widow's and Orphan's Fund Life Insurance Company," and by that name may sue and be sued, plead and be impleaded, in all courts of record and elsewhere; they may have and use a common seal, which they may break or renew at pleasure. Incorporators. Rights.

SEC. 2. *Be it further enacted*, That the principal office of the company shall be located in the City of Nashville. Office.

SEC. 3. *Be it further enacted*, That the business of the company shall be to make insurance upon the lives of individuals, and any insurance appertaining thereto or connected therewith; to grant, purchase, and dispose of annuities; to receive and invest trust funds and make insurance against accidents. Business.

SEC. 4. *Be it further enacted*, That the corporate powers of the company shall be vested in and exercised by a Board of Directors, not exceeding five, and by such other officers and agents as the Board may empower; a majority of the Directors shall constitute a quorum for the transaction of business. Directors.

SEC. 5. *Be it further enacted*, That the Board of Directors shall determine the rate of insurance, and the amount that may be insured on any one life; also the sum to be paid for annuities, and the extent to which annui- Powers of Directors.

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ties shall be granted; they may make and prescribe by-laws for the government of the company, its officers and agents, and, generally perform such acts as shall appear for the best interest of the company.

Same. SEC. 6. *Be it further enacted*, That the persons named in the first section of this Act shall be the first Directors of the said company, and shall hold their office until January 1st, 1869, and until their successors shall be appointed. The Directors named in this Act shall have the power to increase the number of Directors, to any number, not exceeding twenty, five of whom, shall constitute a quorum; and all vacancies occurring, may be filled by the remaining members of the Board.

Eligibility. SEC. 7. *Be it further enacted*, That no person shall be eligible as a Director, unless he shall hold twenty shares of the capital stock of the company.

First election. SEC. 8. *Be it further enacted*, That the first election of Directors shall be held on the first day of January, 1869, and annually thereafter. Notice of elections shall be given by the President or Secretary, for at least two weeks in some public newspaper of the City of Nashville; said election shall be held at the office of the company, at such hour as the Board shall direct, and shall be by ballot, and a plurality shall elect. In case of a failure to elect on the day specified, this corporation shall not be deemed to be dissolved, and may hold an election at any future day, after giving due notice thereof.

Inspectors. SEC 9. *Be it further enacted*, That the Board of Directors previous to each election shall appoint three Inspectors of such election.

Voting. SEC. 10. *Be it further enacted*, That at every election of Directors each Stockholder shall be entitled to one vote in person or by proxy, for each share of the capital stock of the company owned or held by him or her, in his or her name and right, for not less than ten days preceding such election; *Provided*, that no one person shall have more than fifty votes.

Officers. SEC. 11. *Be it further enacted*, That the Board of Directors shall, after the organization of the company, and at the first meeting of the Board after such annual election, elect from their number, a President, Secretary and such other officers as they may deem necessary, who shall hold their offices one year, and until their successors are appointed; and in case of absence or inability of any of the officers, the Board of Directors may temporarily supply their places.

Capital Stock. SEC. 12. *Be it further enacted*, That the capital stock of the company shall not be less than two hundred thousand dollars, and not more than one million dollars, as the Directors may determine. Said stock shall be di-

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vided into shares of fifty dollars each, which shall be deemed personal property, and transferable on the books of the company.

SEC. 13. *Be it further enacted*, That in case any policy holder or annuitant, shall fail to pay any premium or sum due by him or her, to the company; or violate any condition of the policy of insurance, or contract, made between the company and the assured, the Board of Directors may cancel the policy; and all premiums paid thereon shall be forfeited to the company. Failure to pay Premium.

SEC. 14. *Be it further enacted*, That the company may purchase, for its own benefit, any policy of insurance or other obligation of the company, growing out of the business, and also any claims of policy-holders.

SEC. 15. *Be it further enacted*, That it shall be lawful for any married woman, by herself and in her name, to cause to be insured, for her sole use and benefit, the life of her husband for any definite period, or for the term of his natural life, or against accidents resulting in personal injury, causing him to be permanently or partially injured; and in case of her surviving her husband, the sum or net amount of insurance becoming due and payable by the terms of insurance, shall be payable to her and for her own use, free from the claims of the representatives of her husband, or any of his creditors. And, in case of the death of the wife before the decease of the husband, the amount of the insurance becoming due and payable as a loan, may be made payable, after her death, to her children, for their use; and to their guardian, if under age. Married women may insure.

SEC. 16. *Be it further enacted*, That the Board of Directors, or any of them, may, at any time after the organization of the company, appoint one or more Commissioners, to open books of subscription to the stock, by first giving not less than three days' notice in some newspaper, in Nashville. Said books shall remain open till one hundred thousand dollars shall have been subscribed, and fifteen per cent. thereon, paid. The balance of the subscription shall be paid at such times and in such manner as the Directors may determine. May open Books for Stock.

SEC. 17. *Be it further enacted*, That this company may hold such real estate as may be necessary for the transaction of business, not exceeding fifty thousand dollars in value, except such as may be taken in security, or in payment for debts; and may sell and convey the same at pleasure. Real Estate.

SEC. 18. *Be it further enacted*, That stockholders shall not be liable for the debts of the company, beyond the amount unpaid upon the stock held by them, respectively; and no dividend shall be declared or paid to stock- Liability of Stockholders.

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holders, until the par value of the stock is paid in full.

Tax, etc.

SEC. 19. *Be it further enacted*, That this Act shall have succession for ninety nine years; and the company shall pay the usual tax imposed on similar corporations in this State.

Marine Savings Bank of Memphis.

SEC. 20. *Be it further enacted*, That H. A. Montgomery, Thomas Graves, Nathan Hoffheimer, Martin L. Ryder, John Vanhorne, Martin Griffin, and their associates and successors, be, and they are hereby, created a body politic and corporate, under the name and style of the "Marine Savings Bank, of Memphis, Tennessee," with all the rights, powers and privileges, and immunities, conferred in the Act to incorporate the Clay Savings Institution, of Memphis, Tennessee, passed December 1st, 1866, and subject to all the pains and penalties, and restrictions, imposed on the same.

Montgomery Savings Institute.

SEC. 21. *Be it further enacted*, That B. O. Kesee, Robert H. Williams, C. G. Smith, and Winfield Roach, and their associates and successors, be, and are hereby, constituted and created a body politic and corporate, under the name of the "Montgomery Savings Institute," to be located at Clarksville, Tennessee, with all the rights, powers and privileges, and subject to all the pains and penalties, granted to and imposed upon the Bluff City Savings Institution, in the Act of the General Assembly, creating said corporation, passed May the 24th, 1866.

SEC. 22. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed December 17, 1867.

CHAPTER XLI.

AN ACT to Incorporate Union City, in the County of Obion; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Union City, in Obion County, and the inhabitants within the limits of

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the same, as laid down in the plan of said town, are hereby constituted a body politic and corporate, by the name and style of the "Mayor and Aldermen of the town of Union City," and shall have perpetual succession by this corporate name; may sue and be sued, plead and be impleaded, grant, receive, purchase and hold, real, personal and mixed property, and dispose of the same for the use and benefit of said town; and may have and use a town seal. Rights and privileges.

SEC. 2. *Be it further enacted*, That the corporation aforesaid, shall have full power and authority to enact such laws and ordinances necessary and proper to preserve the health of said town; to prevent and remove nuisances; to establish night watches and patrols; to ascertain, when necessary, the boundary and location of streets, lanes and alleys; to establish new streets, lanes and alleys, with consent of the proprietors of the lots or houses adjoining such streets, lanes and alleys; to impose and appropriate fines, penalties and forfeitures for a breach of the laws or ordinances; to elect a Recorder, Treasurer, and Constable; to lay and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town; to restrain tippling houses; and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this Act into effect; *Provided*, they are not incompatible with the Constitution and laws of the State. General powers, officers, taxes, etc.

SEC. 3. *Be it further enacted*, That all fines and forfeitures imposed by the by-laws and ordinances of said corporation, not exceeding the sum of fifty dollars, shall be secured by action of debt before any Justice of the Peace of the County of Obion; and for sums exceeding that amount, before the Circuit Court, at the suit of the Mayor and Aldermen of the town of Union City. Fines and forfeitures.

SEC. 4. *Be it further enacted*, That on the first Saturday in January, 1867, and on the first Saturday, bi-ennially, thereafter, the Sheriff of Obion County, or his legally appointed deputy, after giving ten days' notice of time and place, shall open and hold an election within the specified corporation limits of said town of Union City, for the purpose of electing six persons to serve as Aldermen, and one as Mayor, for the corporation of said town of Union City, who shall respectively hold their offices for two years, and until their successors shall be elected and qualified, commencing on the second Monday next succeeding their election; and all persons living within the limits of said corporation, who would be qualified to vote for members of the General Assembly, shall be entitled to vote for Mayor and Aldermen for said corporation; and no person shall be eligible to the Biennial Election for Mayor and Aldermen

Voters.

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office of Mayor or Alderman, unless he shall, at the time of his election, reside within the corporate limits of said town of Union City. The judges of said elections, three in number, and the clerks, two in number, shall be appointed by the Commissioner of Registration, from the qualified voters of said corporation, and by him qualified. The polls to be opened at the place previously designated by the Sheriff, or his deputy, at 9 o'clock, A. M., and closed at 3 o'clock, P. M.; immediately after which election the Sheriff or his deputy, shall deliver to the several persons having the highest number of votes, a certificate of their election.

Judges & Clks when to open & close polls, etc.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Mayor and Aldermen so elected as aforesaid, on some day of the next week succeeding their election, to meet at some convenient place within the limits of said corporation, and upon the presentation of their certificates of election, apply to some Justice of the Peace, who shall administer to them the following oath: "We do solemnly swear that we will well and truly discharge the duties of our respective offices of Mayor and Aldermen of the town of Union City, for and during our continuance in office;" which oath shall be reduced to writing and filed in the office of the Justice of the Peace before whom the same is made, signed by the party making the same; and thereupon the said Mayor and Aldermen, five of whom shall form and constitute a quorum, shall proceed to elect a Recorder, Treasurer and Town Constable for said corporation, for the same time for which the Mayor and Aldermen are elected.

When to enter upon duties, take oath, etc.

Officers.

SEC. 6. *Be it further enacted*, That the Recorder, Treasurer, and Constable, elected under the fifth section of this Act, shall each be required to enter into bond, with sufficient security, to be approved by the Mayor of said corporation, faithfully to collect and pay over, as required by said Board of Mayor and Aldermen, all taxes, fines, forfeitures, etc., which may be due and owing said corporation.

To give bond.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Constable, thus elected in said corporation, faithfully to collect and pay over to the Treasurer of said corporation, on the first Mondays in April and September, annually, all taxes, fees, and forfeitures due, and owing to said corporation; and, on failure, shall be liable for the amount of his delinquencies, with cost, before the Circuit Court of Obion County; and also liable to be removed for any misconduct in office, at the pleasure of the Mayor and Aldermen.

Constable to pay over all taxes, etc.

Failure.

SEC. 8. *Be it further enacted*, That all vacancies of Aldermen, Mayor, or other officers of said corporation,

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shall be filled for the residue of the term by the Board of Aldermen, and Mayor in office; and the persons so appointed by them, shall possess the same qualifications for office, as required in the 4th section of this Act. Vacancies.

SEC. 9. *Be it further enacted*, That the Mayor and Aldermen of said corporation have the right and privilege of blending the offices of Treasurer and Recorder, and devolving the duties of the two offices on one individual. May blend offices.

SEC. 10. *Be it further enacted*, That the Mayor and Aldermen, Recorder, Treasurer, and Constable, of the town of Union City, shall be allowed such fees for their services as Mayor, Aldermen, Treasurer, Recorder, and Constable, as the Mayor and Aldermen may, from time to time, allow. Fees of Officers.

SEC. 11. *Be it further enacted*, That the corporation of Union City shall embrace the original Union City, as laid off by Geo. W. Gibbs, with such additions as he made; also, Maj. N. Uries' addition, F. W. Matthews' addition, Robert Patton's addition; C. N. Gibbs' addition, and A. Campbell's addition, to said plan. Additions to Union City.

SEC. 12. *Be it further enacted*, That what is commonly known as the "Baker Additions," adjoining the corporate limits of the town of Gallatin, in the County of Sumner, be and the same is hereby, included within the corporate limits of said town; also the lot now occupied by A. Barber. Gallatin.

SEC. 13. *Be it further enacted*, That the boundaries of the corporate limits of the town of Huntingdon, County of Carroll, be changed as follows, to-wit: Beginning at a point on Beaver Creek, South, twenty-five (25) degrees East of the South-West corner of the graveyard, running North, twenty-five (25) degrees West, ——— poles, to the old Stage Road; thence crossing said road, running North, twenty-five (25) degrees West, forty (40) poles, to a stake; thence West, sixty-five (65) degrees South, ninety-eight (98) poles; thence North, twenty-five (25) degrees West, one hundred and thirty-two (132) poles, to a stake; thence West, sixty-five (65) degrees South, thirty-four (34) poles; thence South, twenty-five (25) degrees East, thirty (30) poles; thence West, sixty-five (65) degrees South, twenty-eight (28) poles; thence South, twenty (20) degrees East, thirty-two (32) poles, to a stake; thence West, twenty-five (25) degrees South, twenty-three (23) poles, to a stake; thence South, twenty-five (25) degrees East, eight (8) poles, to Beaver Creek; thence up said creek, as it meanders, to the beginning. Boundary line of the town of Huntingdon.

SEC. 14. *Be it further enacted*, That, hereafter, the boundaries of the town of Maryville, in the County of Blount, State of Tennessee, shall be as follows: Beginning at a stake the South-West corner of the Pride and Maryville, Blount Co.

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Boundary line.

Barnes' Addition to Maryville; running thence South, forty-one degrees, one hundred and five-tenths chains, to a stake corner, to A. McConnell's; thence South, forty-two degrees and fourteen chains, to a rock corner, to A. McConnell's; thence North, forty-three degrees West, twenty and two-tenth chains, to a stake; thence South, sixty degrees West, seventy-six and eight-tenths chains, to a stake in the Pride yard; thence North, fifty-one and three-fourth degrees West, eighteen and four-tenths chains, to a stake; thence North, thirty-three and one-half degrees East, two and two-tenths chains, to a stake corner, to Loal's Addition to Maryville; thence North, fifty-eight and one-half degrees West, twenty-one and two-tenths chains, to a stake on Charles Wallace's line; thence North, forty-one degrees East, eighty-five chains, to a stake in a bottom, by a creek, including J. A. Goddard's, and the Loal Tanyard place, and the Hannum Mill; thence North, fifty-five and one-half degrees East, five chains, to a stake in a creek corner, to the J. G. Wallace place; thence with the North Fork of Pistol Creek; thence North, twenty-three and one-half degrees

Same.

East, three chains, to a stake; thence North, fifty-six degrees East, ten and sixteenth chains, to a stake; thence North, fourteen chains West, to a stake; thence North, eighty-eight degrees East, nine chains, to a rock in a creek; thence South, thirty degrees West, two and six-tenths chains, to a stake; thence South, forty-three and one-fourth degrees East, sixty-four and four-tenths chains, to a sassafras, on Kid or McConnell's line; thence South, thirty-one and one-half degrees East, thirteen chains, to a stake; thence South, forty-five degrees West, twelve and six-tenths chains, to the beginning.

SEC. 15. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed December 17, 1867.

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CHAPTER XLII.

AN ACT to Incorporate the Tennessee Horticultural Society; and for other purposes.

WHEREAS, A number of persons have been heretofore, and are now, associated for the purpose of promoting and encouraging the study and practice of horticulture, for improving the growth of vegetables, plants, trees, and flowers, and introducing new varieties and species thereof; and propose, by exhibitions, and otherwise, to create a spirit of competition, and to disseminate useful horticultural knowledge, in all its branches; *and whereas*, said persons are desirous of becoming a body politic and corporate, for those purposes; Therefore, Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That P. S. Fall, Wm. Stockell, F. H. French, Jas. T. Bell, T. Fanning, A. F. Goff, L. C. Lishey, E. Truitt, Wm. Richard, G. S. Blackie, H. C. Jackson, W. H. Harris, P. L. Nichol, W. H. Lyle, D. Weaver Hamilton, and N. F. Dortch, and such other persons as may hereafter be admitted, are constituted a body politic and corporate, under the name and style of the "Tennessee Horticultural Society;" and, by that name, may sue and be sued, in all courts; and shall have succession for thirty years; may make contracts, as natural persons, and use a common seal; may take and hold real estate, and convey the same, and do any and all things necessary to the attainment of the objects of the corporation, in as full and complete a manner as natural persons can, and may do. Incorporators. Rights, etc.

SEC. 2. *Be it further enacted*, That such body politic and corporate, shall be located in the city of Nashville; and shall have power to create, in each county of the State, an Auxiliary Society, to act in concert with the corporation for the attainment of the objects aforesaid. Location.

SEC. 3. *Be it further enacted*, That there shall be elected, by the members of said corporation, a President, a Treasurer, and a Secretary, and such other officers as said corporation shall, by its by-laws, deem necessary; which officer shall hold his office for one year, or until his successor shall have been elected and qualified, according to the said by-laws; and the salary of any such officer shall be fixed before his election, if it shall be determined to pay any salary. Officers, Salary, etc.

SEC. 4. *Be it further enacted*, That said corporation shall have power to receive, by gift, demise, or deed, any property, real or personal, and hold, or dispose of the Powers.

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Same.

same, for the use and benefit of the said corporation, not exceeding in value, the sum of two hundred thousand dollars; and shall have power to open books, receive subscriptions, in money or property, for the benefit of such corporation; and shall also have power to make and establish all necessary rules and by-laws for its government; *Provided*, the same be not inconsistent with the laws of the land.

Quorum.

SEC. 5. *Be it further enacted*, That any seven members of said Society, shall constitute a quorum for the transaction of business; and that this Act shall take effect from and after its passage.

Tenn. Manual Labor University.

SEC. 6. *Be it further enacted*, That An Act passed December 10th, 1866, incorporating Hope Female Institute, and for other purposes, be so amended, that the Trustees of the Tennessee Manual-Labor University, shall be empowered to add to their pursuits and instruction, theoretical and practical mining, and commerce.

Robertson County Agr'l and Hortic'l Association.

SEC. 7. *Be it further enacted*, That John J. Pope, Thos. L. Green, William More, G. B. Randolph, W. R. Saddler, C. C. Bell, William Pitt, Willie Woodard, M. V. Ingram, Jo. C. Stark, E. A. Fort, G. B. Mason, John S. Hare, John Woodward, Thos. J. Brisle, B. B. Ralls, N. H. Anderson, Mills Taylor, Geo. C. Benton, and Solomon Hiser, and their associates, successors and assigns, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Robertson County Agricultural and Horticultural Association;" and, by that name and style, shall have succession for thirty years, with power to contract and be contracted with; to sue and be sued; plead and be impleaded; have a common seal, and change the same at pleasure; to make and establish rules, regulations, and by-laws, for the government of said association.

Powers.

Capital Stock

SEC. 8. *Be it further enacted*, That the capital stock of said association, shall be ten thousand dollars, with the privilege of increasing the sum to fifty thousand dollars—to be divided into shares of twenty-five dollars each; and when the sum of five thousand dollars is subscribed upon the books of said company, the stockholders may organize by the election of a Board of Directors, for the management of the business of said association. Said Board to consist of one President, two Vice-Presidents, seven Directors, a Secretary and Treasurer; all of whom shall be stockholders in said association; which officers shall be elected annually thereafter, upon the first Monday in January. Said election to be held in the town of Springfield, Robertson County, Tennessee; at which election, each stockholder shall be entitled to one vote for each share owned by him or her at the time

Organization.

Voting.

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of such election; and all vacancies occurring, shall be filled for the remainder of the year, by the acting Directors, five of whom shall be a quorum for the transaction of business, in all cases. The said Board of Directors shall have power to make any and all such by-laws, as may be necessary for the government of the business of said association; and may change the same at pleasure; *Provided*, said laws shall not be inconsistent with the Constitution of the United States, or the Constitution of Tennessee. By-Laws, etc.

SEC. 9. *Be it further enacted*, That said association shall have full power and authority to purchase, lease, sell, or dispose of, any and all such real and personal estate as may be necessary, or useful, in carrying on the business of said association; to erect buildings, fit up fair grounds, appoint subordinate officers, award premiums; to expel a member for a gross violation of rules; eject any person from their fair grounds or buildings; to charge and collect gate, and enhance fees; and exercise any and all powers granted to associations, of a similar character, in this State. This Act to take effect from and after its passage. General powers and rights

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed January 14, 1868.

CHAPTER XLIII.

AN ACT to Incorporate the Town of Harrison, in Hamilton County; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the inhabitants of the town of Harrison are hereby constituted a corporation and a body politic by the name and style of the town of "Harrison;" and by that name, shall have perpetual succession; may sue and be sued in all courts of law and equity; may purchase, receive and hold property, real, personal, or mixed, within or without the corporation; may sell, lease, or dispose of the same for the benefit of the corporation; and shall have and use a common seal, and change it at pleasure. Rights and privileges.

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Bound'ry line

SEC. 2. *Be it further enacted*, That the corporation shall include the original boundary laid off for a county site at Harrison, and such other parties or party interests adjoining said corporation as may desire the benefits of this Act, and shall be subject to the rules and regulations made for the government thereof; *Provided, however*, that the legal voters of said incorporation shall accept the provisions of this charter by a two-thirds vote, before any of said citizens shall be bound by it, or subject to the pains or penalties herein provided; *Provided, further*, that the principal streets in said corporation, shall have a side-way of plank, or pavement of stone of a substantial character, along each street, four feet wide, and at least two approaches of a similar character from said ways to the court-house, before any persons living outside of said corporation shall be subject to the provisions of this Act.

Proviso.

Streets

Mayor and Aldermen.

SEC. 3. *Be it further enacted*, That there shall be a Council, consisting of Mayor and Aldermen; the Board of Aldermen shall consist of three members elected by the qualified voters of the town. No person shall be an Alderman unless he be a citizen of the State of Tennessee, and a *bona fide*, resident of the corporation. All vacancies in the Board of Aldermen shall be filled by the majority of the votes of the remaining members.

Mayor tie vote, etc.

SEC. 4. *Be it further enacted*, That the Mayor shall be elected by the qualified voters of the corporation, and shall hold his office one year, and until his successor shall be elected and qualified. No person shall be elected Mayor who is not, at the time, a citizen of the State of Tennessee, and a *bona fide* resident of said corporation. Where two or more persons shall have an equal number of votes for the office of Mayor, the election shall be referred back by the existing Mayor to the voters of the corporation; and said election shall be held as before, within the next succeeding ten days. In case the office of Mayor is made vacant by death, resignation, or otherwise, the Aldermen shall elect his successor, who shall hold his office until the next regular election. It shall be the duty of the Mayor to preside at all meetings of the Council, to take care that all the ordinances of the corporation are enforced, respected and observed, within the corporation.

Vacancy.

Election for officers, etc.

SEC. 5. *Be it further enacted*, That there shall be one Marshal and three Policemen elected, at each annual election; no person shall be qualified to hold the office of Marshal, unless he be a citizen of the State of Tennessee, and a *bona fide* resident in the corporation. The Sheriff, or his deputies, shall advertise, and hold an election for the offices of Mayor, Aldermen, Marshal, and

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Policeman, on the last Thursday of December, 1867, and ever thereafter, on the last Thursday of December of each year. All officers under the corporation shall hold their offices for the period of one year, unless removed as hereinafter provided. The newly elected officers shall be inducted into office on the first Monday of January, of each year. All persons elected to office in the corporation, before entering upon their duties, shall subscribe to an oath, to faithfully and impartially discharge the duties of their office. No person is eligible to office in the corporation, nor qualified to vote at the corporation election, who is not competent to vote for members of the General Assembly, and a *bona fide* resident under the corporation. Terms of office, voting, etc.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Marshal to enforce the observance, and obedience to all ordinances passed by the Board of Mayor and Aldermen; that, he shall have under his charge, the police of the corporation; and that he be held responsible for the conduct of the police; see that they do their duty, and faithfully report any neglect on their part to perform their duty, to the Board of Mayor and Aldermen, who shall examine the charges, and if, by them, thought sufficiently guilty, to dismiss any one, or all of such policemen, and assign others to fill the vacancy, who shall hold their office until the next regular election; it shall also, be his duty to collect all taxes, privilege taxes, licenses, etc., due the city, and keep a strict account of the same, and shall turn all such moneys over to the Mayor. Duties of Marshal.

SEC. 7. *Be it further enacted*, That the Mayor shall be *ex-officio* Recorder and Treasurer, and shall give bond with good and sufficient security, in the sum of five thousand dollars, payable to the Board of Aldermen, and their successors in office, conditioned upon the faithful, honest and lawful discharge of the duties of his office; said bond to be filed with the Clerk of the County Court. The Mayor shall also keep all the records of the Council. That the Mayor of the town of Harrison shall be, and he is hereby, invested with concurrent jurisdiction with Justices of the Peace, in all cases of violation of the criminal laws of the State, or of the ordinances of the Mayor and Aldermen of the town of Harrison, within the limits of said corporation. Powers and duties of Mayor.

SEC. 8. *Be it further enacted*, That the Board of Mayor and Aldermen, shall, at their first regular meeting, appoint an Assessor, whose duty it shall be, to make a just and accurate assessment of all property, real and personal, subject to corporation tax, and return the same to the Mayor by the 15th day of March next following his appointment. His return shall be made in a book Tax Assessor.

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suitable for the purpose. His return of real estate shall show, when consisting of town lots: 1st, Name of the owner; 2d, Streets upon which lots are located; 3d, The number of lots; 4th, Valuation of lots and improvements. His return of real estate, other than town lots, shall show the name of the owner, the district, section, and range, number of acres, and valuation. He shall, also, on the first day of February, report to the Mayor, the names of all persons under the corporation, subject to pay a license, or poll tax. No person shall be eligible to hold the office of Assessor unless he be a *bona fide* resident of the corporation of Harrison; and he shall, before entering upon the duties of his office, take an oath to faithfully and impartially discharge the duties of his office.

Duties of Assessor.

Treasurer's duties, etc.

SEC. 9. *Be it further enacted*, That it shall be the duty of the Treasurer, to receive, and faithfully keep, all moneys belonging to the corporation, and receipt for the same; and to pay out any money in his hands, upon the direction of the Council. He shall make, and have completed by the 15th of May, following the return of the Assessor, a duplicate copy of said return, which shall give the same information as said return; and in addition, the amount of taxes due the corporation, upon each separate piece of property within the corporation; and also the amount from each person subject to license, or other special tax. The aforesaid copy shall be furnished to the Marshal, who shall immediately commence the collection of taxes due the corporation; and he shall receive and receipt for the same until the 15th of July following, when he shall forthwith proceed to make out a list of those who may be delinquent. Said list, if upon real estate, shall give the same information as to ownership, location, valuation and tax, as the tax book. After said list is completed, and certified to by the Marshal to be correct, he shall proceed to collect said delinquent taxes by condemnation and sale. His proceedings thereon to be in the name of the Board of Mayor and Aldermen of the town of Harrison, and to be governed by the same laws as govern county officers in like cases.

Delinquent Tax list.

Jurisdiction of Chan. Co'rt

SEC. 10. *Be it further enacted*, That the Chancery Court of Harrison, is hereby invested with the necessary jurisdiction for the enforcement of the provisions of the foregoing section, so far as the same authorizes the corporation of the town of Harrison to collect taxes by condemnation and sale of lands or town lots.

Board of Equalization.

SEC. 11. *Be it further enacted*, That the Marshal, Mayor and Assessor, shall constitute a Board of Equalization, who shall have power to equalize assessments

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and who shall meet on the first Monday in May of each year, and listen to all complaints as to the assessments of property, and shall equalize and settle the same; their action to be final; *Provided*, nothing herein shall be construed so as to prevent an appeal from their decision to the Circuit Court of Harrison. Meeting.

SEC. 12. *Be it further enacted*, That the Mayor and Aldermen shall have power, by Ordinance:

1st, To regulate the amounts of salaries to be paid to the officers and appointees of the corporation.

2d, To levy and collect taxes upon all property taxable by law for State purposes.

3d, To levy and collect taxes on all privileges and polls, taxable by the laws of the State. General powers of Mayor and Aldermen

4th, To appropriate money, and provide for the payment of the lawful debts and expenses of the corporation.

5th, To establish and provide for a system of free schools, and regulate the same.

6th, To abate or remove nuisances.

7th, To open, alter or abolish, widen or extend, establish, grade, pave, or otherwise improve, clean and keep in repair, streets, public squares, alleys and sidewalks.

8th, To erect bridges, culverts, etc., and keep the same in repair. Same.

9th, To provide for the erection of any buildings necessary for the use of the corporation.

10th, To suppress gambling houses, disorderly houses, and bawdy houses.

11th, To regulate the police of the corporation, enforce fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation; provide for the arrest and confinement of all rioters and disorderly person or persons, committing nuisances within the corporation; to punish, by pecuniary penalties, for breaches of the peace, noise, disturbances, Sabbath-breaking, or disorderly assemblages, in any street, house, or place in the corporation. Same.

12th, To provide for the construction and repair of all sidewalks, or cleaning the same, at the expense of the owners of the ground fronting thereto.

13th, To pass all ordinances, not contrary to the Constitution and laws of the State, that may be necessary to carry out the full intent and meaning of this Act. All such ordinances to be published in the town papers, not less than ten days before going into effect.

SEC. 13. *Be it further enacted*, That any person of persons, elected or appointed to any office under this charter, shall be a registered and duly qualified voter, under the Act commonly known as the "Franchise Act;" and before entering upon the duties of such, or any office Qualificati'ns for Officers.

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thereunder, shall take and subscribe the oath required by said "Franchise Act."

Town of Decherd incorporated.

SEC. 14. *Be it further enacted*, That all the rights, privileges and immunities hereby granted to the town of Harrison, are extended to the town of Decherd, in the County of Franklin; and that the limits of said town shall extend one mile in each direction from the depot of the Nashville & Chattanooga Railroad, in said town.

City of Cleveland incorporated.

SEC. 15. *Be it further enacted*, That all that portion of the Sixth District of Bradley County, contained within the following limits, viz: Beginning at a stake at the south-west corner of the L. G. Ross farm; thence east with the line between said farm and the Tibbs old farm, on a straight line across the East Tennessee & Georgia Railroad, through J. E. Raht's farm, and cross the Spring Place road; thence on a line from the beginning, to the west line of the lands formerly owned by Judge J. C. Gaut; thence east with that, to a stake opposite the railroad crossing, near Rev. John Bower's residence; thence north-west, to the east end of the lane running by Casewell Lea's residence, between the railroad and the Cleveland & Charleston road; thence north-west, with the south side of said line, on a direct line, to the line between the old Wood's farm and the farm of John H. Craigmiles; thence south-west with said line, to Emmet Johnson's land; thence south, with the east boundary of said land, to the beginning point, is hereby united and enacted into one city, by the name of the City of Cleveland.

Boundary.

General powers and privileges.

SEC. 16. *Be it further enacted*, That the inhabitants of the city of Cleveland, as above laid out and extended, are hereby constituted a corporation and body politic, by the name and style of the "Mayor and Aldermen of the City of Cleveland;" and, by that name, they may have perpetual succession; may sue and be sued, in all courts of law and equity; may purchase, receive and hold property—real, personal, or mixed—within the city, for all needful purposes of the city; and may lease, sell, or dispose of the same, for the use and benefit of the city; and may purchase, receive or hold property—real, personal, or mixed, within or beyond the limits of the city; to be used for the burial of the dead; for the erection of waterworks to supply the city with water; to procure gravel, sand, or other material, to improve the streets, alleys, or avenues of the city, and for other purposes; for the establishment of workhouses, and other buildings, that may be deemed necessary by the Board of Aldermen; and may do and perform all other acts, as natural persons; and shall have and use a common seal.

Same.

SEC. 17. *Be it further enacted*, That the Mayor and

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Aldermen of the City of Cleveland, shall have power, by ordinance, in said corporation, to levy and collect taxes upon all property taxable by law for State purposes, and upon all privileges and polls taxable by the laws of the State; to appropriate money, and provide for the debts and expenses of the city; to make regulations for the general health of the city; and to prevent and remove nuisances; to open, alter, abolish, widen, extend, grade, establish, improve, preserve, and keep in good repair, the streets and sidewalks; to establish patrols and watches; to license and regulate livery stables, drays, auctioneers, groceries, dry goods stores, forwarding, commission, receiving, and all other mercantile houses; jewelers, billiard tables, tippling houses, confectioneries, brokers, bankers, insurance offices, hotel keepers, pedlars, hawkers; and also shows, circuses, theatres, and all other places of public amusement, save painting and sculpture; and shall be allowed to tax all business, property, or articles that are taxed for State purposes; *Provided*, that land, within the corporate limits, used for farming purposes, and not laid off into city lots, shall not be taxed. To prevent the introduction of contagious diseases into the city, and to establish and regulate hospitals; to regulate and suppress all disorderly houses, and houses of ill fame; and to provide for the arrest and confinement, until trial, of all vagrants, riotous or disorderly persons, within the limits of the city; to impose fines, forfeitures and penalties, for the breach of any ordinance or by-law; and to provide for their recovery.

Same.

Same.

Same.

SEC. 18. *Be it further enacted*, That the Mayor and Aldermen may, as soon as practicable, after the passage of this charter, erect, purchase or rent, and organize, a workhouse within, or beyond the limits of the city; and any person who shall neglect, fail, or refuse to pay any fine or costs, imposed upon him or her, under any ordinance of the city, shall be committed to the workhouse, until such fine and cost be fully paid. Every person, so committed to the workhouse, shall be required to work for the city, at such work as his or her health and strength will permit, within or without the workhouse, not exceeding ten hours each day, (Sundays excepted;) and for such work shall be allowed seventy-five cents per day, and board until the whole fine and costs are discharged, when said person shall be released; *Provided*, that no person shall be compelled to work longer than three months, for any one offense; and, until such workhouse is established, such offenders may be made to work on the streets of said city, subject to the same provisions and limitations, as above.

Workhouse.

Prisoners to work.

SEC. 19. *Be it further enacted*, That the City of Cleve-

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land shall be divided into six wards; the boundaries of which shall be fixed by the present Board of Aldermen; and the number of wards, as well as their boundaries, may be changed from time to time, as the Aldermen see fit; always having regard to the number of inhabitants, so that each ward may have, as near as may be, the same number of inhabitants; and, when wards are laid off, it shall be done by lines corresponding with the streets and alleys.

Boundary and Wards.

Aldermen.

SEC. 20. *Be it further enacted*, That the Board of Aldermen of the City of Cleveland, shall be composed of one Alderman from each ward; to be chosen by the qualified voters of the respective wards, for one year, and until their successors are duly elected and qualified; and no person shall be an Alderman, unless he be a citizen of the United States, and of the State of Tennessee, and shall have been a *bona fide* resident of the city for two years, and of the ward for which he is elected, six months next preceding his election; and any Alderman removing from his ward during the term of his office, shall vacate his seat.

Qualifications

SEC. 21. *Be it further enacted*, That the Aldermen elect shall judge of their own qualifications, and those of the Mayor and other corporate officers.

Powers of Board, etc.

SEC. 22. *Be it further enacted*, That a majority of the Board shall be required to transact business; but any number, not less than three, may assemble at their regular place of meeting, and adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties, as the Board may prescribe. The Board may determine the rules of its proceedings; punish its members for disorderly behavior; and, with the concurrence of two-thirds of the members elect, may expel a member.

Vacancies, tie votes, etc.

SEC. 23. *Be it further enacted*, That all vacancies that shall occur in the Board of Aldermen shall be filled in such manner as shall be provided by ordinance; and when there shall be a tie in the election of Aldermen, the judges of the election shall certify the same to the Mayor, for the time being, who shall immediately, thereupon, issue his proclamation, stating such facts, and order a new election.

Oath.

SEC. 24. *Be it further enacted*, That each Alderman shall, before entering upon the discharge of his duties, take an oath, before some Justice of the Peace for Bradley County, that he will support the Constitution of the United States and of the State of Tennessee, and that he will faithfully demean himself in office.

Mayor.

SEC. 25. *Be it further enacted*, That the Chief Executive of the city, shall be a Mayor, who shall be elect-

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ed by the qualified voters of the city, and shall hold his office for the term of one year, and until his successor is duly elected and qualified; and before he enters upon the duties of his office, shall take the same oath as prescribed for Aldermen. Oath, etc.

SEC. 26. *Be it further enacted*, That the Mayor shall act as President of the Board of Aldermen, and in his absence, the Aldermen shall choose one of their number to act as President, *pro tem.* Same.

SEC. 27. *Be it further enacted*, That no person shall be elected or qualified as Mayor, who is not, at the time of his election, a citizen of the United States, and of the State of Tennessee, and shall have been a *bona fide* resident of the city three years next preceding his election; and if the Mayor remove from the city during the time for which he was elected, he shall thereby vacate his office. To be citizen.

SEC. 28. *Be it further enacted*, That, in case of a contested election for Mayor, the Aldermen shall determine the same, and whenever it is determined there is a tie in the election, the President *pro tem.* of the Board of Aldermen shall issue his proclamation for a new election; and when a vacancy shall occur in the office of Mayor, the Board of Aldermen shall choose one of their number to act as Mayor during the unexpired time. Contested elections, vacancies.

SEC. 29. *Be it further enacted*, That the Mayor may be removed for misdemeanor in office, by a vote of two thirds of the Aldermen elect.

SEC. 30. *Be it further enacted*, That the Mayor shall take care that all the laws of the city, and all ordinances passed, be faithfully and diligently executed and enforced; he shall, from time to time, give the Aldermen information relative to the state of the city, and shall recommend to their consideration, such measures as he shall deem expedient for the advantage of the city. He may call special sessions of the Board of Aldermen by proclamation or otherwise, and when so called, he shall state to them the object for which they have been convened, etc.; shall, once, at least in every six months, lay before the Board of Aldermen, a statement of the financial condition of the city, which statement shall be published in one of the newspapers of the city. General powers of Mayor.

SEC. 31. *Be it further enacted*, That every law, or ordinance passed by the Board of Aldermen, shall, before it goes into effect, receive the approval and signature of the Mayor; and, if he disapproves any law or ordinance passed by the Board of Aldermen, he shall return the same, with his objections in writing, to the next meeting of the Board; and no law or ordinance, vetoed by the Laws and Ordinances.

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Mayor, shall go into effect, unless the same shall again be passed by two-thirds of the Aldermen elected.

Other officers.

SEC. 32. *Be it further enacted*, That there shall also be elected, by the qualified voters of the city, a City Marshal or Constable, Treasurer, and Recorder, who shall hold their offices for the same term as the Mayor, and until their successors are elected and qualified; and they shall, before entering upon their duties of office, take the same oath as prescribed for Aldermen, and each give bond, with sufficient security, in such amount as the Board may determine by ordinance, conditioned for the faithful discharge of their duties, and the payment and accounting for all public moneys that may come into their hands, as the Board may direct; and no person shall be eligible to either of the aforesaid offices, unless he shall have resided twelve months in the city, next preceding his election, and shall be a citizen of the United States, and of the State of Tennessee.

To take oath, give bond, etc

Powers and duties of Marshal.

SEC. 33. *Be it further enacted*, That the City Marshall shall have full power and authority to collect all fines, forfeitures and costs, which may have been, or may hereafter, be, imposed upon any person or persons for any violation of the by-laws, or ordinances of said corporation; and shall have the same power, and authority in the collection of the same, any where in the County of Bradley as are now had and enjoyed by any of the civil officers for said county. He shall also collect all taxes that may be assessed by the Recorder, which assessment shall be presented in a consolidated tax list of the different wards, as shall be prescribed by the Board of Aldermen; and he shall give his official receipt for all such taxes to the tax payers; and shall have the same right to collect, by process of law, as are now allowed the collectors of county and State tax; and shall be governed by the same laws governing such tax collectors; and he shall pay all such public moneys, when collected, to the City Treasurer, taking his receipt for the same. He shall have further power and authority to arrest any person or persons charged with a violation of the by-laws of said corporation, any where in said County of Bradley, and bring them before the Mayor, to answer the penalties imposed by the Board of Mayor and Alderman of said city, for the violation of their by-laws. He shall, also, perform such other duties as may be prescribed by ordinance.

To collect taxes, arrest offenders, etc.

Treasurer's duties.

SEC. 34. *Be it further enacted*, That it shall be the duty of the City Treasurer to receive and receipt for all public moneys that may be collected, and to keep a correct account of the same; and shall only pay out such money, on an order from the Mayor, properly attested by the

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Recorder; and shall turn over to his successor in office all public money, books and papers, he may have at the time of going out of office. He shall perform such other duties as may be prescribed by ordinance.

Duties of the Recorder.

SEC. 35. *Be it further enacted*, That it shall be the duty of the City Recorder to keep all the records of the city; take down and put upon record, in a book to be kept for that purpose, all the official proceedings of the Board of Mayor and Aldermen; and shall, also, keep a correct account, in a book to be kept for that purpose, of all trials for offenses committed against the by-laws or ordinances of said city; also, to assess all taxes due the corporation, as hereafter to be prescribed by ordinance; and to make out a tax list of each ward, separate; the same to be furnished the Marshal, on which such taxes due shall be collected. He shall keep the seal of the city, and shall, upon occasions and times necessary, fix the same to any papers requiring the seal of the city. He shall attest the signature of the Mayor to all bonds, and other papers requiring the signature of the Mayor; and shall perform such other duties as may be prescribed by ordinance.

Vacancies.

SEC. 36. *Be it further enacted*, That all vacancies that shall occur in the office of Marshal, Recorder, and Treasurer, shall be filled in such manner as the Aldermen may think proper.

Time Bonds.

SEC. 37. *Be it further enacted*, That the Board of Mayor and Aldermen of the city of Cleveland, shall have power to issue Time Bonds of said city, in amount not exceeding ten thousand dollars, and having not over fifteen years to run; payable in such city in the United States as in the discretion of said Board will enable them to be negotiated on the best terms, having interest coupons attached, at not exceeding ten per cent. per annum, for the purpose of constructing sidewalks of some good material, and paving the streets with cobble stone, or some system of construction and pavement of equal merit.

Jurisdiction of Mayor.

SEC. 38. *Be it further enacted*, That the Mayor of the City of Cleveland shall have concurrent jurisdiction with Justices of the Peace of Bradley County, in all cases of the violation of the laws of Tennessee, within the corporate limits of Cleveland.

Annual Election, etc.

SEC. 39. *Be it further enacted*, That on Saturday after the first Friday in January, 1869, and on the same day of each year thereafter, the Sheriff of Bradley County shall cause to be opened and held, at the different wards in the city, an election for Mayor, Aldermen, and other city officers; who shall enter upon the duties of their offices on the first Monday following; and the present Board of Mayor and Aldermen shall continue in office until

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their successors are elected and qualified; and shall execute and be governed by the provisions of this charter; and may elect such other officers as this charter prescribes.

Former Ordinances.

SEC. 40. *Be it further enacted*, That all ordinances and resolutions heretofore passed, enacted or ordained by the present or preceding Boards of Mayor and Aldermen of Cleveland, and in force at the passage of this Act, shall remain, and be in full force and effect, until altered, amended, repealed, or they expire by limitation.

Repealed.

SEC. 41. *Be it further enacted*, That the charter of February 4th, 1842, incorporating the town of Cleveland, and any other special Acts, granting said town corporate authority, be, and the same are hereby, repealed.

SEC. 42. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed January 30, 1868.

CHAPTER XLIV.

AN ACT to Incorporate the Webster Polemic and Literary Society in Weakley County, at New Prospect Church.

Incorporators

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That S. B. Pate, A. H. Walker, John R. Winston, Thos. B. Setters, R. H. Mitchell, W. Z. Ramsey, and Joseph S. Pate, their associates and successors, be, and they are created, a body politic and corporate, by the name of the "Webster Polemic and Literary Society," for the purpose of diffusing moral and intellectual improvement, and cultivating a correct literary taste among its members, with power and authority to adopt such constitution and by-laws as they may think proper for its government; *Provided*, the same do not conflict with the constitution of the State, or the United States.

Purposes.

Powers.

SEC. 2. *Be it further enacted*, That the incorporators, and their successors, may use a common seal; may sue and be sued, plead and be impleaded, in any of the courts

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having jurisdiction; make contracts; buy, hold, and sell property—real and personal; and may exercise all the powers and privileges belonging to corporate bodies, for the purpose of carrying out the objects of this corporation; and that this Act take effect from and after its passage. Same.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed January 31, 1868.

CHAPTER XLV.

AN ACT to Incorporate the Memphis Abstract Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John J. Sears, William J. Smith, and James E. Merriman, and their associates, successors, and assigns, be, and they are hereby, created and constituted a body corporate, by the name and style of the "Memphis Abstract Company," and by that name and style, shall have succession for ninety-nine years, for the purposes hereinafter mentioned; and shall have, enjoy and exercise all the rights, powers and privileges incident to private corporations, as prescribed by Article 4, Chapter 2, Title 9, Part 1, of the Code. Powers, etc.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be twenty thousand dollars, divided into one hundred shares, of two hundred dollars each, with the privilege of increasing the capital stock to an amount not exceeding seventy-five thousand dollars. Capital Stock

SEC. 3. *Be it further enacted*, That it shall be the duty of said company to prepare and compile from the records of the Register's office of Shelby County, Tennessee, a complete and reliable set of Abstract Books, or indices, wherein shall be indexed and posted, with references to the lot or tract of land described, every decree, plat, document, conveyance or instrument recorded in said Register's office, whereby the title to any real property situate in Shelby County, is vested, divested, transferred, conveyed or affected. Abstract Books.

SEC. 4. *Be it further enacted*, That it shall also be the duty of said company to prepare and compile from

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Syllableized Indices.

the records of said Register's office, a complete and reliable set of Syllableized Indices, wherein shall be indexed and posted, in alphabetical and syllableized order, the name of each individual, whether bargainor, bargainee, or otherwise, named in every decree, document, conveyance, or instrument recorded in said Register's office whereby the title to any real property situate in said Shelby County, is vested, divested, transferred, conveyed or affected, giving opposite each name, a reference to the book and page of said records, wherein each of said instruments, etc., is recorded.

Time.

SEC. 5. *Be it further enacted*, That said company shall have the period of two years from the passage of this Act, in which to complete said books.

Titles.

SEC. 6. *Be it further enacted*, That it shall also be the duty of said company upon tender of reasonable compensation, to furnish, to any person desiring the same, a chain of title, or abstract of title, examination of title to any real property in said Shelby County.

Fees for services.

SEC. 7. *Be it further enacted*, That said abstract company shall be entitled to receive fees on the same scale, for the same kind of work, and in the same manner, that are allowed the County Register, at this time, for similar work; and before said abstract company shall be permitted to give any certified copies of abstracts, chain of titles, or plats, or other documents from their books, the President and Secretaiy of said company shall take and subscribe the following oath, before some Judge of the Circuit Court, in this State: "We do solemnly swear, that we will not demand any greater fee or fees for any copies we may issue from our books, now in our possession, and from which we are authorized to issue copies, than by law, we are authorized to receive; and that we will faithfully and truly copy any grant, record, plat, or other part of said books; and that we will not suffer any certified copy to issue, which is not a true and correct copy from said books: So help me God." A copy of which oath, certified by the Judge, shall be filed in the office of the Clerk of the Circuit Court in Shelby County.

Oath

To be filed.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 3, 1868.

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CHAPTER XLVI.

AN ACT to Charter the Bedford County Agricultural Society; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there is hereby created a corporation to exist in Bedford County, Tennessee, to be styled the "Bedford County Agricultural Society," with a capital of not more than twenty thousand dollars, divided into shares of fifty dollars; which said corporation shall have power to own and hold real estate, not exceeding ten acres, in some locality near or convenient to the town of Shelbyville. Capital, etc.

SEC. 2. *Be it further enacted*, That for the purpose of raising the amount of capital necessary to carry out the business hereinafter authorized, William Little, James S. Newton, Anderson S. Wehle, Dr. William H. Christopher, Thomas Tompkins, Jr., William M. Goggin, Winston M. Gill, Sr., Rufus A. Caldwell, Col. Robert M. Terry, Joshua R. Hin, William J. Shafner, Alexander Cartnell, William A. Allen, W. W. Summers, L. P. Fields, John Thomas. James M. Isaner, Joseph Kelley, Thomas J. Oglvie, George W. Bell, William Taylor, J. W. Maxwell, Thomas H. Coldwell, James L. Scudder, Robert Frinham, William G. Cowan and Charles F. Sutton, Jr., be appointed Commissioners, any five of whom may act, to open books in the town of Shelbyville, on the first Monday in April next, or at such time and place thereafter as they may agree upon, for the subscription of stock to the capital of said corporation; and when an amount is subscribed, sufficient, in the opinion of a majority of the Commissioners who may act, to enable said corporation to carry out the object of the same, they shall open and hold an election for such number of Directors in and for said corporation, as may be deemed advisable, not exceeding the number of Commissioners named in this section; out of whom shall be chosen a President; which President and Directors shall continue in office twelve months, and until their successors are elected and qualified. In the election herein provided for, each stockholder shall be entitled to cast as many votes as he owns shares of stock. That the President and Directors shall have power and authority to elect a Secretary and Treasurer, and to elect or appoint such other officers or agents as they may deem necessary to enable them to carry out the objects of the corporation. The election shall be held by two Justices

Commiss'ners

To open books for subscriptions.

First Election for Directors.

Other officers.

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of the Peace, and one or more clerks selected by them. When the number of Directors is agreed upon, as herein provided, it shall be permanent, as though incorporated in this Act. All elections after the first, shall be on such days of the Annual Fairs herein provided for, and upon such notice as the President and Directors may designate.

Subsequent Elections.

Government.

SEC. 3. *Be it further enacted*, That the President and Directors of said corporation shall have power to make rules and regulations for its government, and for carrying the objects of its creation into execution, not inconsistent with the Constitution and laws of this State.

SEC. 4. *Be it further enacted*, That said corporation shall have power to investigate all such points relating to the improvement of agriculture, holticulture, science and mechanics, as it may see proper; to hold Fairs on its fair grounds at such times as the President and Directors may determine; and to do so may make such necessary preparations therefor as to enable it to effectuate the objects of the society; to award premiums under its by-laws, in money, medals or otherwise, upon live animals owned by citizens; upon agricultural productions of this State; upon agricultural implements and tools manufactured in this State; upon any article whatever manufactured in this State; and upon productions of the garden or dairy, and upon whatever else the President and Directors may agree upon.

May hold Fairs, award Premiums, etc

SEC. 5. *Be it further enacted*, That said corporation shall have power to make contracts, and sue and be sued; to take, hold and dispose of, or invest, any property, real, personal or mixed, for the use and advancement of the objects of said society or corporation.

Rights and privileges.

SEC. 6. *Be it further enacted*, That whenever the improvements and necessary buildings are finished for the corporation, and its debts paid, there shall be dividends of profits, if any, declared.

Dividends.

SEC. 7. *Be it further enacted*, That no person shall be liable, by virtue of his subscription of stock, for more than the amount thereof; and shall pay that at such time as the President and Directors may require; and when paid, he or she shall not be personally liable as a corporation, for any debts or obligations of said society.

Liability.

SEC. 8. *Be it further enacted*, That said corporation shall have power to borrow money, and execute its notes for the same, and mortgage its property as security therefor, in such sums as may be necessary to meet any debts created in its business, or to enable it to purchase necessary property in furtherance of its objects; and it may purchase real estate as it may need, on such credit as may be agreed upon.

May borrow money, etc.

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SEC. 9. *Be it further enacted*, That said society be authorized to purchase and deal in fine blooded stock; but in no case shall any stock owned by said society, come in competition for premiums offered by said society for fine blooded stock, or otherwise. Fine Stock.

SEC. 10. *Be it further enacted*, That there is hereby created a corporation, to be styled the "Lincoln County Agricultural and Mechanical Society," which shall exist in Lincoln County; and purchase and hold fair grounds at, or near, or convenient to the town of Fayetteville; with all the powers, rights and privileges, and all the restrictions conferred by the preceding sections of this Act, on the Bedford County Agricultural Society. Lincoln Co. Ag. and Mech. Society.

SEC. 11. *Be it further enacted*, That Littleberry L. Stone, Samuel S. Alexander, William B. Moores, Allen S. Duvall, Nathan Boone, Jeff. M. Stone, Charles T. Wilson and Alfred Bearden, are appointed to open books for the subscription of stock, at Fayetteville, on the first Monday of April next, or at such other time as a majority of them who may act, designate, with the names aforesaid. Subscription Books.

SEC. 12. *Be it further enacted*, That the provisions of this Act be, and the same are hereby, extended to the County of Carter; and that John R. Miller, C. C. Wilcox, David Patton, Dr. David Bell, Jesse S. White, B. B. Ferguson, H. H. Hendrin, H. C. Ivice and I. W. Williams, be, and the same are hereby, created a Board of Directors, under the name and style of the "Carter County Agricultural Society," who may carry into effect the provisions of the foregoing Act. Carter Co. Ag. Society.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 13, 1868.

CHAPTER XLVII.

AN ACT to Incorporate Sewanee College.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the male institution belonging to the Protestant Episcopal Church, at Winches-

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ter, Tennessee, formerly called Carrick Academy, be, and the same is hereby, chartered and incorporated by the name of the "Sewanee College."

Sewanee College.

Trustees,

SEC. 2. *Be it further enacted*, That the following persons be appointed Trustees of said institution, to wit: C. T. Quintard, B. Dufield, Pete Turney, C. P. Cochran, A. T. Colyar, Sam'l Kennerly, Thomas Short, S. W. Howton, J. D. Johnson, David Pise, George White, W. C. Gray, Charles F. Collins, Lucius N. Voight, Samuel Ringgold, J. C. Shappard, and they, and their successors, as hereafter provided, constitute a corporation for ninety-nine years.

Rights, etc., of Corporation.

SEC. 3. *Be it further enacted*, That said corporation shall be able and liable in law and equity, to sue and be sued, plead and be impleaded, to answer and be answered, and to defend and be defended in all courts and places, as any other legally and regularly constituted corporation; may have a common seal, and may alter and change the same at pleasure.

Powers of Board of Trustees.

SEC. 4. *Be it further enacted*, That said Board of Trustees, under the direction of the Bishop and the Diocese of the Protestant Episcopal Church in Tennessee, shall have the supervision of the affairs, and management of the institution, and shall have the power to elect a President, Secretary, and Treasurer; to appoint or remove, at pleasure, a President of the College, and as many Professors or assistants as may be necessary, who shall constitute a Faculty; to assign to them all their respective duties, and fix and provide for the payment of their salaries; to appoint such agents as may be considered necessary; to adopt such by-laws, not inconsistent with the Constitution of the United States,

Same

and the State of Tennessee, as may be deemed necessary for the government of the College, and change the same at pleasure; to acquire and hold, in the name of the College, real and personal estate, by purchase, gift, or otherwise; to sell or exchange the same by deed or other conveyances, executed by the President and Secretary of the Board of Trustees.

Faculty and Trustees.

SEC. 5. *Be it further enacted*, That the Board of Trustees and Faculty, by joint action, shall prescribe the course of study in said College; and shall have full power to establish literary, military and scientific departments; and those of law, medical science, and agriculture, and to confer upon students, or any other person, the degrees of Bachelor of Arts, Master of Arts, or any degree known or used in any college, and shall enjoy all other powers and immunities incident to corporations of this description.

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SEC. 6. *Be it further enacted*, That an Executive Committee of three, appointed by the Board of Trustees, shall transact all business connected with their office, except for the disposal of real estate, the election of a member of the faculty, or the election of a Trustee; for which purposes, there must be at least a majority of the whole Board. Executive Committee.

SEC. 7. *Be it further enacted*, That said Trustees shall, under the regulation provided for in this Act, have power, upon the death, resignation, or removal of one of its members, to supply the vacancy, by the election of some other person. They shall, also, have the power to make vacant, the seat of any member of the Board, who shall prove himself deficient in official or moral character. Vacancies.

SEC. 8. *Be it further enacted*, That section 6, of An Act to incorporate Croton College, Monroe County, and for other purposes, passed November 18, 1867, be so amended as to read "Gabbert Academy, of Shelby County." Gabbert Academy.

SEC. 9. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 13, 1868.

CHAPTER XLVIII.

AN ACT to Amend the Charter of the Georgetown Male and Female Academy, granted March 11, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Board of Trustees, and their successors in office, shall have power and authority to grant and confer all such literary degrees and honors as are usual in any similar institution in the United States; and to give to female students, suitable diplomas, under the signature of the Faculty and five of the Board of Trustees, which diploma, shall entitle the possessor to the same immunities and privileges allowed by usage, and statute, to the possessor of diplomas from any simi- Diplomas, Degrees, etc.

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lar institution; *Provided*, that this section be subject to legislative control.

St. Patrick's Total Abst. & Benevolent Society.

SEC. 2. *Be it further enacted*, That Martin Riordan, G. A. Hanson, Martin Kelley, John Loague, P. Gatens, Martin Roland, J.P. Galagher, and their associates, are hereby, constituted a body corporate and politic, under the name and style of the "St. Patrick's Total Abstinence and Benevolent Society, of the City of Memphis, Tennessee," with all the powers and privileges conferred on the "St. George's Benevolent Association of the State of Tennessee," passed February 23, 1867.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 13, 1868.

CHAPTER XLIX.

AN ACT to Incorporate the Peoples' Aid Association, in Davidson County; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel T. Crawford, Horace G. Scales, I. Lewis Brown, Joseph Marshall, Sr., George B. Marshall, and David Cloud, their successors, associates and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of "The Peoples' Aid Association," of Nashville, for the purpose of raising funds for the systematic relief and protection of its members, and to effect a more perfect union of the same; and, by that name, shall have succession for ninety-nine years; and shall be competent to sue and be sued, in any court of law or equity whatever; to have and use a common seal, and alter the same at will; to make, change, and repeal, all by-laws necessary for the government of said association; as, also, all other such powers as may be necessary and proper to carry into effect the designs and objects for which this association is formed, and for which this charter is granted.

Purposes and powers.

SEC. 2. *Be it further enacted*, That Morris Brack, Ja-

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cob Back, Adolph Tschopek, David Friedman, Aaron Sympson, Henry Deutsch, C. B. Feidleman, and their associates and successors, be, and are hereby, constituted a body corporate, under the name and style of the "Jewish Soldiers' Monument Association, of Chattanooga, Tennessee." Jewish Soldiers' Monument Association.

SEC. 3. *Be it further enacted*, That said association shall, by the name and style as set forth above, have succession, and be capable of suing and being sued; of defending and being defended; of pleading and being impleaded; of having a common seal, and the same to make, break, or alter at pleasure; to acquire and hold estate—real and personal, or mixed—and the same to buy, exchange, sell and mortgage, transfer, pledge, or otherwise encumber, or alienate, as the Board of Directors of said association may deem expedient. And said association shall be capable, in law, of inheriting, receiving, holding, selling or transferring, all manner of property, whether by donation, bequest, or in any other manner or form, or from any and all persons, body, or bodies corporate or incorporate, in and out of this State. Rights, powers and privileges.

SEC. 4. *Be it further enacted*, That the affairs of this association shall be conducted by a Board of Directors—to be composed of a President, Vice-President, Financial and Corresponding Secretary, and Treasurer, and six Trustees; all of whom shall be elected semi-annually, of whom seven shall be a quorum. Said officers shall continue in office until the new officers are elected. How conducted.

SEC. 5. *Be it further enacted*, That the said association shall have power to make such laws, for the government of said association, as shall seem best to them, from time to time, for the admission of members, and otherwise; *Provided*, such laws shall not be repugnant to the constitution and laws of the State of Tennessee, and of the United States, and public policy. By-Laws, etc.

SEC. 6. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 13, 1868.

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CHAPTER L.

AN ACT to Incorporate the Masonic Orphans' Home; and for other purposes.

Board of Managers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Charles A. Fuller, John McClelland, Jonathan Huntington, Jos. S. Carels, D. F. Wilkin, Horace H. Harrison, Wm. P. Jones, Anson Nelson, M. B. Howell, James McCallum, A. M. Hughes, John Frizzell, Jos. M. Anderson, T. A. Thomas, T. A. Hamilton, John Norman, J. M. Gilbert, J. S. Dawson, J. J. Worsham, A. P. Hall, G. S. Miles, J. F. Slover, W. A. Nelson, and John W. Paxton, be, and they are hereby, incorporated, under the name and style of the "Masonic Orphans' Home," with capacity to sue, and be sued, to have and use a common seal, to take by deed, gift, demise, or bequest, or to purchase, real or personal property; and to erect such buildings as may be necessary and proper for the care, management, and education of the orphans of deceased Master Masons, in Tennessee, or children of indigent members of the Order; and to do all things necessary and proper for the well being of the institution, and the due management and well ordering of its affairs.

Rights and privileges.

Powers.

SEC. 2. *Be it further enacted*, That said institution shall have power to receive and retain under its control, all such children of the description aforesaid, as may be brought to it for that purpose; and when so received, to detain, educate, and control, until discharged therefrom. Said institution shall have succession for thirty years, and may appoint such officers and agent as may be necessary for carrying the benevolent objects of this institution into effect, and the same to remove at pleasure; and it may pass such by-laws, for the regulation and government of its affairs as may be deemed proper by its Board of Managers, not repugnant to the laws or Constitution of this State, or of the United States.

Regulations, By-Laws, etc.

Quorum to do business, etc.

SEC. 3. *Be it further enacted*, That the corporators aforesaid, shall constitute a Board of Managers for said institution, any five of whom, shall be a quorum for the transaction of business under such restrictions as may be imposed by the by-laws. Vacancies in the Board of Managers shall be filled in such manner as the by-laws may provide.

Endowment.

SEC. 4. *Be it further enacted*, That said institution may be endowed in such sum as may be raised for that purpose; and the amount so raised, may be loaned, from

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time to time, on mortgages on real estate, with lawful interest, payable as may be agreed upon by the parties. For the purpose of securing an endowment, said institution may make insurance upon the lives of individuals; may grant, purchase, and dispose of annuities; may receive and invest trust funds, and make insurance against accidents. It may determine the rates of insurance, and the amount that may be insured on any one life; also, the sums to be paid for annuities, and the extent to which annuities may be granted. In case any policy holder or annuitant shall fail to pay any premium or sum due the institution, or violate any condition of the policy of insurance or contract with the institution, the Board of Managers may cancel the policy; and all premiums paid thereon shall be forfeited to the institution; which may also, purchase, for its own benefit, any policy of insurance, or other obligation or claim upon it. The net profits of life insurance shall constitute a part of the endowment fund of said institution; which shall be onerated with the payment of the policies granted by it.

May make Insurance.

Failure to pay Premium.

SEC. 5. *Be it further enacted*, That said institution shall be subject to all taxes and conditions imposed by the State, county or municipal authorities, upon corporations conducting similar business.

Taxes.

SEC. 6. *Be it further enacted*, That section 12, of An Act, passed March 8, 1867, entitled "An Act to incorporate the University Place Hotel," and for other purposes, be, and the same is hereby, so amended as to be, and read as follows, viz: "The capital stock shall consist of not less than two hundred and fifty (250) shares," instead of the words, "not less than one thousand (1000) shares," as is now provided by said Act.

University Place Hotel.

SEC. 7. *Be it further enacted*, That section 14, of said Act passed, March 8, 1867, be, and the same is hereby, so amended, as to appoint and constitute the following named persons as additional Commissioners under said Act, viz: J. B. Knowles, Daniel F. Carter, Hon. John Trimble, T. B. Craighead, Curran McNairy, G. M. Fogg, H. G. Scovel, M. Stratton, Wm. T. Berry, Alexander Porter, Powhattan Maxey, A. L. P. Green, O. H. Ewing, Jr., Samuel Watson, and B. F. Foster, Sr.

Additional Commissi'nrs

SEC. 8. *Be it further enacted*, That, W. S. Bruce, J. B. Danberry, John Johnson, Jno. B. Robinson, H. D. Carmell, George Robertson, H. O. Loffland, J. P. Prescott, and George Mellersh, or a majority of them, and their successors, be, and they are hereby, made and constituted a body corporate in fact, and in name, with succession for ninety-nine years, under the style and title of the "Odd Fellows' Institute," and by that name, shall be, and are hereby, made, able and capable in law, to

Odd Fellows' Institute.

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Powers and privileges.

have, hold, retain, purchase, possess, and enjoy, to them and their successors, such real estate, and all personal property of whatever kind and amount, which may be necessary and proper to carry out the objects of said corporation into full force and effect; and may sell, grant, and convey, or otherwise dispose of the same; and may sue, and be sued, plead and be impleaded, answer and be answered, defend and defended, in all courts having competent jurisdiction; and may have and use a common seal, and break, alter and amend the same at pleasure; and do all other acts incident to a body corporate and politic.

Purposes and object.

SEC. 9. *Be it further enacted*, That the object of said corporation is, and shall be, to establish and conduct, in the County of Shelby, State of Tennessee, an institution of learning for the education of boys and young men, girls and ladies, in which the studies shall embrace as full a course, in all the various branches of learning, and all that may be considered, by the Trustees and Faculty, necessary to as complete an education as any other institution in America or Europe. While no creed in religion shall have preference in any department of the institution, it shall be the duty of the Faculty to inculcate morality, free from all human opinions and authority.

Election of Trustees.

SEC. 10. *Be it further enacted*, That Memphis Lodge No. 6, Chickasaw Lodge No. 8, and Gayoso Encampment No. 3, of Odd Fellows', in the City of Memphis, shall have the power of the election of Trustees, to succeed those herein appointed. The said Trustees herein appointed and constituted the body corporate named in section 11, and those hereafter to succeed them, to be under the superintendence and direction of said Lodges, and to have such powers in the management of said institution, and continue in; be replaced or dismissed from office as said Lodges may determine. If any of said three Lodges shall cease to exist, then the power of election and control of Trustees shall vest in those, or that one remaining in existence.

Powers of Trustees.

SEC. 11. *Be it further enacted*, That said Trustees and their successors, under the instruction and direction of, and under the powers to be delegated to them by said Lodges, may enact, alter and amend such a system of regulations and by-laws, not inconsistent with the laws of the State, or of the United States, as they may deem requisite for conducting the institution. They shall elect or appoint the President of the Faculty, and all teachers and professors, in the various departments; and their decisions, in all controversies between teachers, or professors, or regulating discipline of students, shall be final; and to them, may an appeal be had by any of the students, from the decisions of the Faculty.

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SEC. 12. *Be it further enacted*, That the Trustees, by the recommendation of the Faculty, may confer upon students or others, such literary honors and degrees, as are usual in the best colleges, universities, or institutions of learning; shall have full authority to confer honorary degrees and titles, and do all things which are requisite and proper, for the physical, intellectual and moral improvement of the youth of the country. Honorary Degrees.

SEC. 13. *Be it further enacted*, That all interest or property held by the Trustees of said institute, for the purpose of education, shall be exempt from all taxes; and that this Act shall take effect from and after its passage. Taxes.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 13, 1868.

CHAPTER LI.

AN ACT to Incorporate Trinity Turnpike Company; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons who shall become stockholders, pursuant to this Act, shall be, and they are hereby, constituted a body corporate, by the name of the "Trinity Turnpike Company;" and, by that name, may sue and be sued, plead and be impleaded; shall have succession; and shall have all the rights and powers appertaining to bodies politic and corporate. Rights and powers.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be at least sufficient to construct and build the road hereafter designated; and the same may be increased to twenty-five thousand dollars, and be divided into shares of twenty-five dollars each. Capital Stock.

SEC. 3. *Be it further enacted*, That John York, Joshua Flowers, Henry Hart, John Wilson, Leonard Hooper, William Phillips, Nathan Gibson, and George Mizel, are hereby constituted Commissioners; and it shall be their duty, to proceed to designate and mark out the route of a turnpike road, from a point on the Gallatin turnpike road, at or near the intersection of the Commissin'rs

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Line of Road.

White's Creek Turnpike Road, with said Gallatin turnpike, to a point intersecting the Louisville and Nashville Branch Turnpike Road, any where within five miles of the City of Nashville, or the Suspension Bridge, over Cumberland River; and, after having designated the line of said road, by an agreement of a majority of said Commissioners, it shall be their duty to open books, and receive subscriptions for the purpose of building said road; and so soon as the sum of one thousand dollars shall be subscribed, they shall call a meeting of the persons subscribing the same, by giving at least ten days' notice of the time and place of such meeting, in one or more of the newspapers published in the City of Nashville, or by written notice to each subscriber; and at said meeting, said subscribers, (a majority being present, or represented by powers of attorney,) shall elect five Directors, all of whom shall be stockholders; of which said Directors, one shall be chosen President; and said President and Directors shall continue in office for one year, or until their successors are elected; which election shall take place at the end of every year, on the day of the first election, of which ten days' notice shall be given, as aforesaid.

Subscriptions, meeting, etc.

Elections.

Business.

SEC. 4. *Be it further enacted*, That the said President and Directors, or any three of them, including the President, shall be able to transact any ordinary business, and fill all vacancies in the Board of Directors; create all necessary officers and agents, and fix the pay of such; open books, and receive subscriptions, and collect the same.

Character, and style of road.

SEC. 5. *Be it further enacted*, That the said road shall be opened not less than thirty feet wide, with sufficient ditches on each side to carry off the water; at least fifteen of the thirty feet shall be substantially graveled, or macadamized whenever required; with substantial bridges and culverts erected over all streams crossing the same, and whenever they may be necessary; and in letting out any part of said road, preference may be given to any stockholder.

Lebanon and Nashville Turnpike Company.

SEC. 6. *Be it further enacted*, That all the provisions of An Act passed February 12th, 1836, chapter 15, entitled "An Act to incorporate the Lebanon and Nashville Turnpike Company," shall be in force so far as the same are consistent with this Act; *Provided*, the State shall not be liable for any stock in said road; and the mode of assessing damages done to persons through whose lands said road shall pass, and who shall demand the same, shall be according to the charter of the Nashville and Franklin Turnpike Company.

SEC. 7. *Be it further enacted*, That the company incor-

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porated by this Act, and the Louisville and Nashville Branch Turnpike Company, are hereby authorized and allowed to consolidate and amalgamate said two roads, upon any terms agreed upon by the Directors of each; which terms shall be reduced to writing, and signed by the respective Presidents, and registered in the Register's office of Davidson County; and when said roads are so amalgamated and consolidated, they shall be one road; and may erect a toll-gate on the same, not within one mile of the Suspension Bridge, over the Cumberland River, and one other gate at any point on the same, not within five miles of said first gate; and collect toll at said gates, according to law. May consolidate. Gates.

SEC. 8. *Be it further enacted*, That said companies be allowed the period of three years to effect said consolidation; and that this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 13, 1868.

CHAPTER LII.

AN ACT to Amend An Act, entitled "An Act Incorporating the East Tennessee Wesleyan College, at Athens, Tennessee; and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act entitled "An Act incorporating the East Tennessee Wesleyan College, at Athens, Tennessee, and for other purposes," be, and the same is hereby, amended, so as to strike out the word "College," wherever it occurs in the same, and substitute therefor, the word *University;* that the said Act may read *Wesleyan University*, instead of "Wesleyan College;" and that this Act take effect from and after its passage, University.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 13, 1867.

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CHAPTER LIII.

AN ACT to Incorporate the Sumner County Agricultural and Mechanical Association of Gallatin; and for other purposes.

Corporators

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Dodd, James Peacock, Lee H. Alley, James F. Lauck, R. F. Strother, William S. Munday, John W. Head, Thompson McKinley, J. B. Hobdy, J. H. Needles, I. N. Phillips, George E. Dismukes, and their associates, successors and assigns, be, and the same are hereby, constituted a body politic and corporate, by the name and style of the "Sumner County Agricultural and Mechanical Association of Gallatin;" and by that name and style shall have succession for ninety-nine years; with power to contract and be contracted with; to sue and be sued; have a common seal; to make and establish rules, regulations and by-laws for the government of said company.

Powers.

Capital Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be twenty-five thousand dollars, with the privilege of increasing the same to one hundred thousand dollars; to be divided into shares of fifty dollars each; and when the sum of five thousand dollars shall have been subscribed, the stockholders may elect their officers.

Same rights, etc., as Otsego M'g. & P. Co.

SEC. 3. *Be it further enacted*, That said company shall have all the powers, privileges, rights and immunities, and be subject to all the restrictions and liabilities, conferred upon, and granted to, the Central Agricultural and Mechanical Fair, of South-Western Kentucky and West Tennessee, by An Act passed the 23d day of May, 1866, entitled "An Act to incorporate the Otsego Mining and Petroleum Company, and for other purposes;" the whole being embraced in sections 18 to 25, inclusive, of said Act.

Repealed.

SEC. 4. *Be it further enacted*, That all laws and parts of laws, conflicting with the provisions of this Act, in so far as they do conflict, be, and the same are hereby, repealed.

Hamilton Co. Ag., Hor. & Me. Society.

SEC. 5. *Be it further enacted*, That all persons who shall associate themselves together for the purposes herein specified, shall be, and they are hereby, declared to be a body politic and corporate, under the name and style of the "Hamilton County Agricultural, Horticultural and Mechanical Society;" and by that name shall have power to sue and be sued, in all the courts of law or equity in this State, or elsewhere; and be capable

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to rent, lease, purchase and enjoy, lands, tenements, hereditaments, goods, chattels; and the same from time to time, to sell, grant and dispose of; to use a common seal, and alter or renew the same at pleasure. They shall also have succession for thirty years. Powers.

SEC. 6. *Be it further enacted*, That the business of the corporation shall be conducted by a Board of ten Managers, to be elected by the members of the corporation, on the first Monday of April, annually; due notice thereof to be given by the President. And said Board of Managers shall have full power to elect their own officers; to fix the time and place of their meetings; to regulate the admission of members; and such other acts as they may deem necessary and proper, not inconsistent with the Constitution and laws of this State, or the United States. Duties of Board of Managers.

SEC. 7. *Be it further enacted*, That the officers of the corporation shall consist of a President, two Vice-Presidents, a Secretary, a Treasurer, and such other officers as they may think proper; which officers shall be elected annually, by the members of the society, on the first Monday of April; due notice thereof shall be given by the President, at least three weeks before the election, in some newspaper in the county. Elections for Officers.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Treasurer, to take charge of all moneys, etc., belonging to the corporation, and disburse the same on the order of the Board of Managers, signed by the President, and countersigned by the Secretary, which shall be a voucher in his annual settlements. Treasurer's duty.

SEC. 9. *Be it further enacted*, That A. M. Rogers, W. H. Hickman, D. N. McGill, George O. Cate, John King, Peter Mounger, R. H. Guthrie, Tom. Crutchfield, James Childress and — Post, shall constitute the first Board of Managers, and elect their own officers, and provide for the first Fair. Board of Managers.

SEC. 10. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 14, 1868.

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CHAPTER LIV.

AN ACT to Incorporate the East Tennessee Marble Company, for the purpose of Mining and Quarrying; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That George H. Thomas, D. B. Sacket, S. R. Hamill, Daniel H. Royer, Geo. B. Hibbard, Samuel B. Hopperton and Horace W. Durgin, their associates and successors, be, and are hereby, incorporated, with thirty-three years' succession, by and under the name and style of the "East Tennessee Marble Company;" and that by and under that name, may sue and be sued, plead and be impleaded, in all courts and places; contract and be contracted with, in all matters pertaining to the business and objects of the corporation; and any and all acts which a corporation may or can do, in the fulfillment of its charter, and the objects of its organization. Said corporation shall have a common seal, which may be changed, modified or altered, at the pleasure of the company.

Powers and privileges.

SEC. 2. *Be it further enacted*, That the object and purposes of the corporation shall be, the mining for lead, coal, and other minerals, or the quarrying of marble or other valuable stones, and the smelting of ores and minerals, and dressing and cutting of marble, and the transporting of the same to, and sale in, market, of any and all minerals, marbles, and stones, that may be by said corporation mined or quarried.

Purposes and objects.

SEC. 3. *Be it further enacted*, That said incorporation shall have the right to purchase, lease, acqure and hold, such lands, mines, quarries, and mining and quarrying rights, as they may deem necessary for the use and benefit of said company, not exceeding twenty thousand acres; and also to contract for the right of way for any and all roads and railroads, and unite the same with any others on such terms as may be agreed upon, or to carry the same to any navigable stream; and to erect, lease and acquire such buildings, yards, wharves, floats and boats, as may be necessary, and all personal property as shall be required to conduct the business of said company; and to dispose of any or all of the same, for the use and benefit of said company, or its stockholders.

May hold property, erect buildings, etc.

SEC. 4. *Be it further enacted*, That the capital stock of said company shall be forty thousand dollars, to be increased to an amount not exceeding two hundred and fifty thousand dollars; to be divided into shares of five hundred dollars each, which shall be held and accounted

Capital Stock.

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personal property, transferable and assignable on the books of said company, in such manner as may be prescribed and set forth in the by-laws of said company. Lands, leases, mines, quarries, with mining and quarrying interests therein, may be described and accounted as part of said capital stock, upon such terms as may be agreed upon by the stockholders of said company. Same.

SEC. 5. *Be it further enacted*, That the stock, property and general business affairs of said company, shall be managed by a Board of Directors, consisting of not less than three, nor more than seven persons, to be chosen by the stockholders, for one year; and a majority of the stockholders shall be necessary for a change; and in all elections held by the stockholders, each share of stock shall count for one vote; *Provided*, the Directors first chosen shall hold their office for the remainder of the year, and until their successors are elected. A President shall be elected by the Board of Directors, from among themselves, or the stockholders, whose duty it shall be to preside at the meetings of the Board. The President and Directors shall be stockholders of the company; and they shall appoint such other officers and employés as they may deem proper. A majority of the Directors shall constitute a quorum to do business. Board of Directors, how chosen, etc. President and other officers

SEC. 6. *Be it further enacted*, That the President and Directors may make such by-laws, rules and regulations, or alter or amend the same, as they may deem proper, consistent with this charter, not inconsistent with the laws of this State, or the United States; subject, however, to the approval of a majority of the stockholders of said company, prescribing the times, places, and manner of holding elections, transferring of stock, enforcement of payments on account thereof, the forfeiture for non-payment, the duties and authority of officers, agents and employés, mode of filling vacancies, the character, kind, and amount of business; and any and all such as may be necessary for the proper and effective management of the property and business of said company, and to effect the intent of this Act. By-Laws, Rules & Regulations.

SEC. 7. *Be it further enacted*, That the company shall keep a book, which shall at all times be open to the inspection of each stockholder; in said book shall be recorded the name of each stockholder, with the amount of stock held by him, and the amount paid in on account thereof; and also, another book shall be kept at all times open to the inspection of each stockholder, wherein shall be recorded, a full and faithful account of the proceedings of all meetings of the directors and stockholders, rules, by-laws, and acts of said company, except accounts and contracts with individuals. Books.

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Taxes.

SEC. 8. *Be it further enacted*, That this corporation shall be subject to the same tax as may be assessed on similar corporations.

Nashville Coal Mining Company.

SEC. 9. *Be it further enacted*, That W. F. Prosser, E. G. Sebree, James E. Bailey, G. Wines, J. T. Boyle, J. D. Lockhart, R. B. Cheatham, M. Browne, and A. S. Colyar, be, and they are hereby, constituted, and made a body politic and corporate, under the name of the "Nashville Coal Mining Company," to continue with succession of members until the first day of January, 1899.

Books of subscription.

SEC. 10. *Be it further enacted*, That said incorporators, or any three of them, may open books of subscription to the capital stock of said "Nashville Coal Mining Company," and may receive subscriptions thereto; and when the sum of ten thousand dollars shall be subscribed, the books may be closed, and a Board of Directors, consisting of seven stockholders, shall be elected, one of whom shall be President, who shall continue in office one year, or until their successors are elected. They may appoint a Treasurer, a Secretary and other agents, officers and servants, and fix all salaries, and the duties of all officers and employés.

Officers, etc.

Capital Stock

SEC. 11. *Be it further enacted*, That the capital stock of the Nashville Coal Mining Company, shall be one hundred thousand dollars; and may be increased to two hundred thousand dollars, by the company, if deemed advisable. The capital stock shall be divided into shares of one hundred dollars each, transferable according to the by-laws of the company.

Rights, powers and privileges.

SEC. 12. *Be it further enacted*, That, whenever the sum of ten thousand dollars, or more, of the capital stock of the Nashville Coal Mining Company shall be subscribed, and the company organized, and the Board of Directors chosen, the company shall have power to purchase and own lands, work and mine the same; and own railroad tracks, coal cars, and all conveniences necessary and convenient in mining and transporting coal to market. The said company is made capable, in law, of suing and being sued, in any of the courts of the country; they may have and use a common seal, and change the same at pleasure; and exercise fully the functions, and enjoy the franchises of a body corporate. The said Nashville Coal Mining Company may purchase, hold, possess and hold, lands in or out of the State, for the purpose of mining, for depots, and for storage of coal, to an amount not to exceed five thousand acres; and may sell and convey any portion of their land, not required in conducting their business of mining and selling coal.

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SEC. 13. *Be it further enacted*, That the Nashville Coal Mining Company may have, and establish offices at any place in or out of the State; but their principal office shall be in this State. Offices.

SEC. 14. *Be it further enacted*, That the Nashville Coal Mining Company shall, by their Board of Directors, make any and all by-laws, regulating the transfer of stock of the company, and needful in the management of the business, and offices of the company, not inconsistent with the Constitution of this State, or of the United States. By-Laws, etc.

SEC. 15. *Be it further enacted*, That John C. Kirkpatrick, Charles H. D. Oldham, John H. McLaran, C. R. Dillen, E. M. H. Wright, J. E. Davis, W. E. Walker, H. L. Vaughan, C. C. H. Burton, Turner S. Vaughan, their associates, successors and assigns, be, and they are hereby, created a body politic and corporate, by the name and style of the "La Gardo High School Company," with power to sue and be sued, plead and be impleaded; to purchase, hold, and convey real and personal estate, to the amount of twenty thousand dollars, for school purposes; to own and have a common seal; to alter or change the same; to make all necessary by-laws and rules for the regulation of the company and its officers; to have all and general, such other powers and privileges as are granted to literary institutions in this State, with succession for thirty years. La Gardo High School Co. Powers.

SEC. 16. *Be it further enacted*, That the County Court of Johnson County, be, and is hereby, authorized to subscribe a sum not exceeding twenty-five thousand dollars, to the capital stock of the Home Mineral Railroad Company. County of Johnson, Home Mineral R. R. Co.

SEC. 17. *Be it further enacted*, That the said County Court shall first consider the matter, and determine whether they will give their consent, and recommend said subscription to the qualified voters of the county, for their approval. If they shall so determine, public notice shall be given, for not less than thirty days before the time fixed for the election, that an election shall be held, to test the sense of the qualified voters of said county on the question of making the subscription contemplated. Election for subscription.

SEC. 18. *Be it further enacted*, That the election shall be held in all the Civil Districts in the county, in the usual lawful manner of holding county elections. The voters opposed to the subscription, shall place upon their tickets the words "No Railroad Subscription," and those in favor of subscription, shall place upon their tickets the words "Railroad Subscription;" and if a majority of all the votes cast shall be for subscription, then the How held, etc.

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said County Court shall have power to make the subscription, but not otherwise.

Coupon Bon's, character of, etc.

SEC. 19. *Be it further enacted*, That the County Court shall be, and is hereby, authorized, in case the said subscription be approved by the people as above provided, to issue the coupon bonds of the county, to run not less than fifteen, nor more than thirty years, and bearing interest, at not exceeding the rate of six per cent. *per annum*, payable annually, at some point in the United States, to be designated by said railroad company; the said bonds to be transferred to said railroad company in payment of said stock; *Provided*, that this Act shall not be so construed as to prevent said county from redeeming said bonds, in case they see proper, prior to the expiration of the fifteen years, and as giving said County Court the right to issue coupon bonds to an amount exceeding twenty-five thousand dollars.

Proviso.

Act of Dec. 17, 1867, as to Nashville and Carter Co., amended.

SEC. 20. *Be it further enacted*, That so much of An Act, passed December 17th, 1867, to authorize the issue of bonds by the City of Nashville, as gives the County of Carter the right to take stock in the East Tennessee & Western North Carolina Railroad, and issue coupon bonds for the payment of the same, is hereby so amended as to require the County Court of Carter County to be governed by the same rules, regulations and restrictions, in taking said stock in said road, and issuing, transferring and redeeming the bonds issued for the payment of the same, as is above provided for in the case of the County of Johnson.

Wm. Shell may erect toll bridge.

SEC. 21. *Be it further enacted*, That William Shell, and his associates, be, and the same are hereby, created a body corporate and politic, for the purpose of constructing and building a toll bridge across Doe River, at or near Elizabethton, and shall be entitled to charge such toll as the County Court of Carter County may allow, after its completion.

Time.

SEC. 22. *Be it further enacted*, That the said Shell, and his associates, shall have five years from and after the passage of this Act, to complete said bridge; and shall exist as a body corporate and politic for thirty-three years.

Hibernian In. Co. of Memp's.

SEC. 23. *Be it further enacted*, That John Loague, Wm. Park, Thomas Fisher, Martin Kelley, P. G. Meath, G. A. Hanson, P. E. Winters, John Gunn, Thomas Moffat, James Reilly, John Lilly and Patrick Gatens, and their associates and successors, be, and the same are hereby, incorporated a body corporate and politic, under the name and style of the "Hibernian Insurance Company of the City of Memphis." The capital stock to be not less than three hundred thousand dollars, and to be paid in under such rules and regulations as the

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Board of Directors may enact; but said stock may be increased by a vote of the majority of the Directors, to an amount not to exceed one million dollars; and to have and enjoy, all the rights, privileges and immunities granted to the "De Soto Insurance and Trust Company of Memphis, Tennessee," passed March 20th, 1858, Chapter 166, page 393; and An Act amending the same, passed March 30th, 1860, page 570, for a period of fifty years. Capital Stock, Powers, etc.

SEC. 24. *Be it further enacted*, That this corporation shall be subject to such taxation and general laws, as may be imposed on similar corporations, by the Legislature, from time to time. Taxes.

SEC. 25. *Be it further enacted*, That Gustave Nuderer, John Kung, Joseph Voght, Mathias Hefty, and their associates, successors and assigns, be, and are hereby, constituted a body politic and corporate, by the name and style of "Schweitzer Unterstutzungs Verein, (Swiss Relief Society,) in the City of Nashville, County of Davidson, State of Tennessee;" with full power in their said corporate capacity, to sue and be sued, plead and be impleaded, purchase, and hold, real and personal property, stock, and incorporate hereditaments; and may dispose of the same, in such manner as said association may deem most expedient. Swiss Relief Society.

SEC. 26. *Be it further enacted*, That the said Schweitzer Unterstutzungs Verein (Swiss Relief Society,) may use a common seal, and change the same at pleasure, and enact, from time to time, such by-laws and regulations as may be required, for the good and government of said society, not inconsistent with the Constitution of the United States, or the State of Tennessee; and perform all other acts for their benefit not inconsistent with the privileges herein granted. Powers, privileges, etc.

SEC. 27. *Be it further enacted*, That Julian F. Scott, John H. Brient, and R. A. Davis, of Morgan County, be, and they are hereby, appointed additional corporators or Commissioners, in the Western & Montgomery Turnpike Company, with all the rights, powers, and liabilities incident or incumbent on those appointed by the Acts of May 24th, 1866, and March 11th, 1867. Corporators in W. & M. Turnpike Co.

SEC. 28. *Be it further enacted*, That John Wood, Jos. S. Morton, R. B. Jetton, Henderson Anderson, and A. P. Lowe, are, hereby appointed Commissioners and Directors of the Murfreesboro' & Manchester Turnpike Road, to take charge of, and control it for, and on behalf of the State of Tennessee. Murf. & Man. Turnpike Road.

SEC. 29. *Be it further enacted*, That H. C. Drake, Henry Hatt, Jr., John B. Drake, Dr. J. H. Jordan, Dr. J. H. Staults, Allen Simkins, Felix Smith, Wesley

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Drake's Branch and Eaton's Creek Turnpike Co.

McCool, B. F. Woodward, Thomas P. Smith, and C. W. Nance, or any five of them, with all others who may become subscribers, be, and they are hereby, constituted a body corporate and politic, under the name and style of the "Drake's Branch and Eaton's Creek Turnpike Company," for the purpose of opening and constructing a turnpike road, beginning at a point on the Buenavista Turnpike road, near the dwelling house of C. W. Nance, and running thence, to a point on White's Creek, near to the residence of Miss Sallie Owens; and thence, the most practicable route to the valley of Drake's Branch; thence the most practicable route to the valley of Eaton's Creek; and thence, the most practicable route to the valley of Marrowbone Creek.

Survey, Stock, Voting etc.

SEC. 30. *Be it further enacted*, That any seven of the above named persons shall have power to survey and locate the said road; to open books and receive subscriptions of stock to build the same, either in work or money; and which stock shall be divided into shares of twenty-five dollars each; and every share of said stock shall entitle the holder to one vote in all elections in said company.

Character of road, etc.

SEC. 31. *Be it further enacted*, That said road shall be opened at least thirty feet wide, graded twenty feet, and substantially macadamized, or graveled at least fourteen feet wide, with sufficient ditches, bridges, and culverts where they may deem necessary, and in all respects complete in a faithful turnpike road manner.

Toll gates, etc

SEC. 32. *Be it further enacted*, That for every five miles of the same which may be thus completed, one toll gate may be erected on the same; and said company shall have all the rights and privileges, and be subject to all the restrictions contained in the charter of the Buenavista Turnpike and Ferry Company, except so far as the same may be inconsistent with the provisions of sections 29, 30, 31, 32 and 33, of this Act.

White's Creek Turnpike Co.

SEC. 33. *Be it further enacted*, That the charter of the White's Creek Turnpike Company is, hereby, so amended as to authorize and require said company to keep the grade of said road twenty feet wide, and substantially macadamized or graveled fifteen feet wide.

SEC. 34. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 17, 1868.

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CHAPTER LV.

AN ACT to Incorporate the Sewanee Tanning and Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That F. A. Loughmiller, Thos. Sharp, D. E. Davenport, B. F. McGehee, and Groves Pennington, their associates, successors and assigns, be, and they are hereby, created, constituted and declared, a body politic and corporate, under the name and style of the "Sewanee Tanning and Manufacturing Company;" and shall be able in law and equity, by that name, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever; and may have and use a common seal, and change and alter the same at pleasure; and have succession for the term of thirty years, with all the powers necessary to acquire and hold, lease and release, buy and sell property—personal, real and mixed—that may be necessary in carrying on their business; and appoint all officers or agents, and do all other things deemed requisite in prosecuting the business, not inconsistent with the laws of this State, or the United States. Corporators. Rights, powers, etc.

SEC. 2. *Be it further enacted*, That the capital stock of this company shall be, not to exceed two hundred thousand dollars, divided into two thousand shares of one hundred dollars each. Capital Stock.

SEC. 3. *Be it further enacted*, That the management of the affairs of the company shall be intrusted to a Board of Directors, to consist of five persons, who shall be elected by the stockholders, annually, and who shall hold office until their successors are chosen. A majority of the Directors shall be a quorum for the transaction of business. No person shall be a Director who is not a *bona fide* stockholder. How managed.

SEC. 4. *Be it further enacted*, That the parties named in the first section of this Act, are hereby appointed Commissioners to open books to receive subscriptions to the capital stock of this company; and as soon as thirty thousand dollars are subscribed, may hold an election for Directors, after first giving twenty days' notice in one or more newspapers published in Franklin County. The Directors shall elect one of their number President, and fix his salary, as well as that of agents; and the Directors shall make such by-laws and rules, for their government, as may be deemed expedient and convenient, and require To open Books for subscriptions, organization, etc.

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the President to make a semi-annual statement, showing clearly the whole operations of the business.

Balance of Stock.

SEC. 5. *Be it further enacted*, That said company may, at its pleasure, and in such form and manner as the Directors shall elect and declare, take subscriptions for the balance of the capital stock, in such manner and form, at such time and place, and on such terms, as they may think proper to order and prescribe; *Provided, however*, that all such subscriptions shall consist of money, or material indispensable in the prosecution of the business.

Debts, voting, etc.

SEC. 6. *Be it further enacted*, That said company shall not contract any debt over and above two-thirds of the capital stock paid in; and no part of said stock shall be withdrawn, or in any manner divested from the legitimate business of the company. Each share shall entitle the holder to one vote; and said shares shall be considered personal property, and shall be transferable only on the books of the company, in person, or by attorney.

Purposes, objects, etc.

SEC. 7. *Be it further enacted*, That the purpose, business, and objects of said company, is, to purchase and deal in hides, and tan, curry, finish and manufacture leather into belting, boots and shoes, and such other fabrications as may be deemed convenient and desirable; also, to buy and sell leather and skins, and all materials used in the course of tanning and manufacturing leather. And the said company may make, or have executed to them, mortgage, deeds of trust, on real or personal property, or both, when necessary or prudent in their business, or in order to secure debts due by, or to, said company.

Friendship Manufactur'g Co.

SEC. 8. *Be it further enacted*, That T. A. Peacock, P. E. T. Binford, Alex. Irvine, and their associates, be, and the same are hereby, incorporated a body politic and corporate, under the name and style of "The Friendship Manufacturing Company," with all the rights, privileges and immunities granted to the Chattanooga Cotton Spinning and Weaving Company, in An Act passed March 9th, 1867, for a period of thirty-three years—said company to be located in Dyer County; *Provided*, that when the sum of twenty thousand dollars has been subscribed, said Commissioners shall call a general stockholders' meeting, by giving five days' notice in a newspaper published in Dyersburg.

SEC. 9. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed December 17, 1867.

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CHAPTER LVI.

AN ACT to Repeal the Eleventh Section of An Act passed March 9th, 1867, Incorporating the Dandridge Railroad Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the eleventh section of An Act, passed March 9th, 1867, entitled "An Act to incorporate the Dandridge Railroad Company, and for other purposes," be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted*, That the sum of twenty thousand dollars appropriated by the fiftieth section of An Act, passed May 24th, 1866, entitled "An Act to incorporate the Tennessee Pacific Railroad Company, and for other purposes," be, and the same is hereby, re-invested in, set apart, released and appropriated to the New Market, Dandridge and Newport Turnpike Company, in the same manner, and for the same purposes, as provided and enacted in said fiftieth section of said Act, entitled "An Act to incorporate the Tennessee Pacific Railroad Company, and for other purposes," passed May 24th, 1866. New Market, Dandridge and Newport Turnpike Co.

SEC. 3. *Be it further enacted*, That Robert W. Pierce, Jonathan Lawrence, George W. Pierce, David Grant, Calloway Thornburg, James M. Meek, Henry Hall, and John Henry, be, and they are hereby, appointed additional corporators, and Commissioners in the New-Market, Dandridge and Newport Turnpike Company. Commissioners.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 10, 1868.

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CHAPTER LVII.

AN ACT to Incorporate the Knoxville Iron Works; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Hiram S. Chamberlain, Jos. Richards, David Richards and David Thomas, their associates, successors and assigns, are hereby declared and constituted a body corporate, by the name and style of the "Knoxville Iron Company;" and by that name shall have succession for ninety-nine years; and be competent to sue and be sued, in any court of law or equity; to have and use a common seal, and the same to alter at pleasure.

Powers.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, ($150,000,) divided into shafes of ($100) one hundred dollars each. The amount of the capital stock may be increased or diminished by a vote of a majority in value of the stockholders, at any regular or called meeting. In all elections, every stockholder shall be entitled to one vote for each share of stock, shown by the books of the company, to have been owned by him. For (10) days prior to such election, certificates of stock shall be transferred on the books of the company, by the owner thereof, or by an attorney in fact, by him thereunto lawfully authorized.

Capital Stock.

Voting.

SEC. 3. *Be it further enacted*, That the affairs of the company shall be managed by a Board of Directors, who shall be annually elected by the stockholders; the number, and the time and the place, fixed by the by-laws; and shall hold their offices for one year, and until their successors are elected and qualified. The Board of Directors shall elect one of their number President, for the term of one year, and all such other officers as shall be provided by the by-laws. The duties of all the officers shall, in like manner, be provided by the by-laws.

Board of Directors, and other officers.

SEC. 4. *Be it further enacted*, That the said corporation shall have power to establish, ordain, and at pleasure change, such by-laws for their government, as they may deem necessary, not inconsistent with the Constitution and laws of the State of Tennessee; and purchase, hold and dispose of, such real estate, not to exceed seventy thousand acres, leases, mines, minerals, iron, coal, oil, salt, and personal property, as they may desire, or as they may deem necessary for the legitimate transaction of their business; to mine, bore, forge, smelt, work

General powers and privileges.

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and manufacture, transport, refine and vend the same; to lay and conduct pipes, and construct train roads, or railroads, from their forges, works, or other places of business, to navigable rivers, or railroads, now constructed, or which may hereafter be constructed; and to make all turn-outs, switches and structures that may be necessary or convenient, in and about the same. The company to have and enjoy, and exercise, all the rights, privileges and powers belonging to, or incidental to corporations, which may be convenient in carrying out any business they are, in this Act, authorized to engage in, except the right to issue notes, to be used as circulating medium; or to engage in the business of banking. Same.

SEC. 5. *Be it further enacted*, That the charter of the "Pullham, Kimball & Ramsey Sleeping Car Company," passed May —, ——, be so amended, that the corporate powers of the said company shall be vested in and exercised by a Board of Directors, consisting of such number of persons, not less than three nor more than seven, as the stockholders of the said company may, from time to time, direct; and that this Act take effect from and after its passage. P., K. & R. Sleeping Car Co.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 18, 1868.

CHAPTER LVIII.

AN ACT for the Relief of R. M. Copeland, Tax Collector of Perry County, for the year 1861; and D. L. Lancaster, Tax Collector of Decatur County, for the year 1861; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That R. M. Copeland, Tax Collector of the County of Perry, for the year 1861, and D. L. Lancaster, Tax Collector of the County of Decatur, for the year 1861, be, and they are hereby, released from the payment of the arrears of tax which is due from said counties, respectively, for the said year of 1861.

SEC. 2. *Be it further enacted*, That John F. Greer, late Tax Collector for Cumberland County, be, and he is hereby, also relieved to the amount of six hundred dol- Jno. F. Greer.

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lars, State tax, the amount which rebel forces compelled him to receive and receipt for, during the years 1861 and 1862; the same being Confederate currency.

Released.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 19, 1868.

CHAPTER LIX.

AN ACT to Incorporate a Company to make Stone.

Corporators

Tenn. Stone Company.

General powers, privileges and rights, etc

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That W. L. Vance, James E. Merriman, J. B. Sharpe, J. T. Trezevant, Zet. Estes, W. B. Miller, J. B. Cook, H. Leman, Frank D. Barnum, Robert Black, J. P. Trezevant, M. C. King, L. S. Burr, J. M. Tamany, James Aiken, E. C. James, D. Pante, M. R. Trezevant, T. W. Brown, J. W. A. Jones, Morton Morge, and their associates, successors and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Tennessee Stone Company;" and by that name shall have succession for thirty-three years; and shall be competent to contract, to sue and be sued, in any court of equity or law, whatever; to have and use a common seal, and to alter the same at pleasure; to establish and change any by-laws for the government of said company; to purchase, hold and dispose of such real estate, leases, minerals, coal, and other personal property, as may be necessary, proper, or suitable for the legitimate transaction of their business, which is the manufacture of stone, under and by virtue of any patents now existing, which they may have, or may hereafter acquire, or under any patents, or upon any plan or method which may hereafter be discovered or invented, and to the use of which they may become entitled; and also, the preparation of said stone for the purposes of commerce and trade, for use in building, paving, or any and all other uses to which the stone so manufactured, may, or can be applied; and the

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product so manufactured and made, to vend, as the interests of said company or corporation, may require; and further, the said company may issue numbers of shares of stock of the said company, at the representative par value thereof, as may be ordered by a vote of said company; which said shares of stock shall not, in the aggregate, exceed the sum of one hundred thousand dollars; the said shares of stock not to exceed one hundred dollars each, in par value; and generally to have, enjoy and exercise all the rights and privileges incident to corporations. May issue shares of Stock.

SEC. 2. *Be it further enacted*, That the said company may obtain and prepare for use in building, and for other uses, stone, as they may deem expedient; and vend the same in the usual course of trade; and for this purpose, may acquire and hold quarries, mines, and all other interests necessary and proper to facilitate or aid them in their enterprise and business of the obtaining, preparation and vending of stone; and to this end, may acquire by purchase, or otherwise, by lease or in fee, all real estate, quarries and mines, necessary or proper in the conduct of the business of said company; and may sell, dispose of, or trade in said real estate, quarries and mines, to the extent that their interest may require, or to the extent that may be advantageous to them. May hold real estate & other property, etc.

SEC. 3. *Be it further enacted*, That nothing herein shall be so construed as to give a banking, brokerage, or real estate privilege, except such as may be necessary to carry on the objects of said charter, as expressed in the first section of this Act. This Act to take effect from and after its passage. Limitation.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 19, 1868.

CHAPTER LX.

AN ACT to Incorporate King Solomon Lodge No. 6, I. O. B. A.

WHEREAS, a certain benevolent institution, in the city of Nashville, State of Tennessee, called, "King Solomon Lodge No. 6, I. O. B. A.," has been in successful Preamble.

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operation more than two years, under the direction and surveilance of the Israelite denomination, as its founders and patrons, having for its object, the cultivation of peace, and the moral and intellectual adornment of its members; *and whereas*, the security of society, the supremacy of the laws, the preservation of our civil and religious liberties, the perpetuation of our institutions, and the Union, are materially dependant upon the virtue and intelligence of the people; *and whereas*, it is greatly to the interest of the State, to encourage the erection of such institutions, the preservation of peace, the dissursement of charities, and other eleemosynary objects; Therefore,

Same.

King Solomon Lodge, No. 6, I. O. B. A.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a corporation constituted and established under the name and style of "King Solomon Lodge, No. 6, I. O. B. A, of the State of Tennessee," and in that name to plead and be impleaded, to sue and be sued; and of buying, holding, improving, disposing of, governing and protecting, suitable buildings in the city of Nashville; and also, capable of collecting gifts, grants, or bequests, made to said institution.

Corporators.

SEC. 2. *Be it further enacted*, That H. Massauer, H. D. Klisinger, and R. D. Blum, and their successors in office, shall constitute the aforesaid corporation; and they shall have power to create, by receiving gifts, grants or bequests, and to preserve a fund or funds, to an amount not exceeding ten thousand ($10,000) dollars.

Powers of Trustees, etc.

SEC. 3. *Be it further enacted*, That the Trustees of said institution, may adopt a corporate seal, and such by-laws and regulations as they shall find necessary; *Provided*, they are not inconsistent with the Constitution of the State of Tennessee, and of the United States, nor with the specified objects of this Act.

Membership.

SEC. 4. *Be it further enacted*, That said King Solomon Lodge No. 6, I. O. B. A., after incorporation, may increase its membership, as may be desired, under such rules and regulations and penalties as may be deemed best, and most to the interest of said Lodge.

Money.

SEC. 5. *Be it further enacted*, That all moneys subscribed, contributed, and collected, shall be used to rent, pay the expenses of the Lodge, support widows and orphans, and other such benevolent purposes as the members of the Lodge may deem worthy and commendable.

SEC. 6. *Be it further enacted*, That An Act, passed December 17, 1867, entitled "An Act to incorporate

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the Widows and Orphan Fund Life Insurance Company, be so amended as to read in sec. 7, after the words, "twenty shares of the capital stock," "and shall be a member of the Independent Order of Odd Fellows, of the fifth degree, in good standing, at least one year previous to his election or appointment." And in the 11th section strike out the words, "President and Secretary," and insert in their stead, the words "Vice President and Medical Adviser;" and after words, "successors are appointed," insert the words, "and shall elect a President and Secretary who shall not be eligible as Directors during their term of office. Widow & Orphan Fund Life Ins. Co.

SEC. 7. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 19, 1868.

CHAPTER LXI.

AN ACT to Authorize the Jews of Davidson County to purchase a Burial Ground, build a Synagogue or Temple; and for other purposes.

WHEREAS, By the Constitution of the United States, and of this State, all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; *and, whereas*, the Jews of Nashville, in Davidson County, desire to purchase a burial ground for their dead, and erect a house of worship, in order that they may more quietly, securely and fully enjoy the inestimable blessings of such right; Therefore, Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Israelites who shall apply to become members, and be accepted in the manner hereinafter stated, and their successors, shall, and they are hereby, declared to be, for the term of fifty years, a body corporate and politic, under the name of "Kahl Kodish Ohavath Sholam," (a holy congregation of lovers of peace,) and under this name, shall have power Incorporated.

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and right in law, of holding and owning both real estate and personal property, of any nature whatever, whether the same is acquired by purchase, by gift, or otherwise, to the amount in value, at any time, not exceeding one hundred thousand dollars; and also, the power and right, in law, to sell, exchange, and mortgage any property so acquired; to sue and be sued, to plead and be impleaded, to answer and be answered unto, in all suits and actions, whether in law or equity; to make all by-laws, rules, and regulations for the government of the congregation, and enforce the same; *Provided*, that the by-laws, rules and regulations so made, are contrary to, neither the Constitution nor laws of this State; and may have a common seal, and the same, break, alter, or renew at pleasure.

Rights and powers, etc.

SEC. 2. *Be it further enacted*, That the funds and property of the congregation shall not be employed in banking, but shall be appropriated in the purchase of a burial ground, in the purchase of grounds for the erection of temples and synagogues, and beautifying the same; erection and construction of such temples and synagogues, and in the purchase of furniture, utensils, books and other things necessary and appropriate for the same; in the purchase of grounds, and the erection thereon of school houses, for the instruction of Israelites, and the purchase of books, furniture, etc., for the same; in relieving the unfortunate, in salaries to the pastor, reader or readers, teacher or teachers, and other persons, who may be employed by the congregation for the congregational services, and in the purchase of all other things and property, of every nature whatever, necessary and proper to carry out fully and fairly, the provisions of this Act.

Funds, how appropriated.

SEC. 3. *Be it further enacted*, That An Act, entitled "An Act to authorize the Jews of Davidson County to purchase a burial ground, and build a Synagogue or Temple, and for other purposes," passed the 4th day of March, 1854, so far as the same is in conflict with this Act, be, and the same is hereby, repealed; this Act to take effect from and after its passage.

Act of March 4, 1854, repealed.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 21, 1868.

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CHAPTER LXII.

AN ACT for the Relief of Bailey Buttram, former Sheriff and Tax Collector of Scott County, Tennessee.

WHEREAS, Bailey Buttram was, for several years next preceding the Rebellion, Sheriff and Collector of taxes, for Scott County, Tennessee; *and whereas*, by the intervention of the war, he was unable to make complete collections, and a final settlement thereon; Therefore, Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said Bailey Buttram, former Sheriff and Tax Collector in and for said county, be, and he is hereby allowed the further time of two years, from and after the passage of this Act, to wind up, collect all arrears of taxes, and make final settlement, as such Sheriff and Tax Collector. Two years' time allowed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER.
Speaker of the Senate.

Passed February 24, 1868.

CHAPTER LXIII.

AN ACT to Authorize the Sheriff of Franklin County to appoint an additional Deputy; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Sheriffs of Franklin, Knox and Dyer Counties, be hereby empowered to each, appoint an additional Deputy, to what is now allowed by law. Dyer & Knox Counties.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 24, 1868.

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CHAPTER LXIV.

AN ACT to Charter the Sevier County Farmers' Club.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Matthew Tarwater, B. C. Andes, W. F. Nichols, J. M. Thomas, James P. Catlett, Isaac Trother, Jesse Stafford, R. W. Crowson, William Burns, M. P. Thomas, West. J. Ernest, J. C. Murphy, Henry Butler, John Snapp, Harvey Keenerand, and S. O. Dickey, and their successors and associates, are hereby constituted a body corporate, by the name and style of the "Sevier County Farmers' Club," for the purpose of promoting improvements in all the various departments of agriculture, including, not only the great staples of industry and trade, but also fruits, vegetables, grapery, etc.; the promotion of the mechanic arts, in all their various branches; the improvement of the race of all useful and domestic animals and fowls; the general advancement of rural economy, and household manufactures; and the dissemination of useful knowledge upon the management of the farm, orchard, garden, and all other subjects that add to the prosperity, ornament, and luxury of a country.

Corporators.

Purposes, etc.

SEC. 2. *Be it further enacted*, That a majority of those mentioned in section first, have power to organize, by electing one President, one Vice-President, one Secretary, and one Treasurer; and shall regulate the fees for membership, and write and record a code of by-laws, for the government of the club, such by-laws as they may deem necessary, not inconsistent with the Constitution and laws of the State of Tennessee; and they shall have power to use a common seal, and to sue and be sued, plead and be impleaded, contract and be contracted with, purchase and own real and personal property; and any property owned by said club, in their corporate capacity, shall be exempt from taxation.

Organization.

Powers.

SEC. 3. *Be it further enacted*. That the said Farmers' Club shall have power to regulate its own meetings, and award premiums on products of the farm, garden, orchard, vineyard, nursery, agricultural and mechanical implements; on all kinds of stock, and domestic animals and fowls; on improvements in the household and kitchen departments; and any, and all other things for which premiums are usually awarded at Annual Fairs.

Meetings, premiums, etc

SEC. 4. *Be it further enacted*, That they shall have power to purchase ground, and fit up fair grounds; and

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assess and collect fees of admission at the gates of their annual fairs.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 24, 1868.

CHAPTER LXV.

AN ACT for the Benefit of the Nashville and Charlotte Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Nashville and Charlotte Turnpike Company, be, and the same is hereby, authorized to remove the first toll-gate thereon, being the one nearest the City of Nashville, back from the city, and from its present location, to the place formerly occupied by it at Brown's Hill, or to some point not more than three-quarters of a mile East or West of said place. **May remove gate, etc.**

SEC. 2. *Be it further enacted*, That the President and Directors of said Turnpike Company, be, and are hereby, authorized to sell the lot and grounds belonging to the company upon which said gate and gate-house is at present situated, and apply the proceeds to the purchase of another lot for another gate-house and gate lot, and the erection of suitable buildings thereon, for the use and benefit of the road. **May sell lot, etc.**

SEC. 3. *Be it further enacted*, That the provisions of "An Act for the benefit of the Statesville and Stewart's Ferry Turnpike Company," passed March 1st, 1854, be extended to the Davidson and Wilson County Turnpike Company, instead of the Statesville and Stuart's Ferry Turnpike Company. **D. & W. Co'ty Turnpike Co.**

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 24, 1868.

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CHAPTER LXVI.

AN ACT to Incorporate the Tennessee Conference of the African Methodist Episcopal Zion Church.

Preamble

WHEREAS, The Tennessee Conference of the African Methodist Episcopal Zion Church, having its fields of operation principally in Tennessee, and numbering some fifty or sixty ministers, having the pastoral care of five thousand members, five thousand probationers and hearers, is sometimes required to act as custodians, and dispensers of bequests and other funds for religious, charitable and educational uses, and therefore needs to have legal corporate existence; Therefore,

Rights and powers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the "Tennessee Conference of the African Methodist Episcopal Zion Church," is hereby constituted and declared a body corporate, with full corporate powers; to acquire and hold real and personal property, and to defend and maintain the holding and use of the same for religious, charitable and educational purposes; sue and be sued; and do any and all acts which similar corporate bodies may lawfully do.

Board of Trustees.

SEC. 2. *Be it further enacted*, That Alfred E. Anderson, Thos. Warren, C. P. Letcher, Joseph Pew, John Tyler, Henry Jarnagon, and John Dogan, citizens of Tennessee, are hereby created a Board of Trustees, for said Conference; with such order of succession as said Conference, at its first annual meeting after the passage of this law, shall determine.

SEC. 3. *Be it further enacted*, That this Act shall take effect and be in force from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 24, 1868.

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CHAPTER LXVII.

AN ACT to Incorporate the Tennessee Mining and Commercial Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That T. Moore, Michael Walsh, Wm. Gray, and Thomas G. Magram, their associates and successors, are hereby created a body corporate and politic, under the name of the "Tennessee Mining and Commercial Company," for the purpose of mining for any and all minerals, or mineral substances—the direct products of the earth—and engaging in any business in purchasing and disposing of the productions of the country, that may seem to the Directors most beneficial to the community, and profitable to the corporation; and, by that name, may contract, and be contracted with, in all matters pertaining to the business and objects of the corporation; may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law or equity, in all suits and actions; may have a common seal, and change the same at pleasure; and may enjoy all the privileges incident to corporations, for the term of fifty (50) years, with the privilege of renewal; and may purchase, hold, mortgage, transfer, and convey, any real and personal property. **Rights and powers**

SEC. 2. *Be it further enacted*, That the capital stock of said company, shall be one hundred thousand ($100,000) dollars, to be increased, by a vote of the stockholders of said company, to any sum not exceeding three hundred thousand ($300,000) dollars, the same to be divided into shares of fifty ($50) dollars each; that, so soon as five per cent. of said capital stock shall be subscribed, said company commences operations. **Capital Stock**

SEC. 3. *Be it further enacted*, That the persons heretofore incorporated in the first section of this Act, or a majority of them, may organize said company, by electing a Board of Directors, one of whom shall be elected President; to elect a Secretary, Treasurer, and such other officers as may be necessary for successfully carrying out the operations of the company; to make such by-laws, alter and amend the same at pleasure, for the government of the corporation, as may seem meet and proper, not inconsistent with the laws of the United States and of this State. That said Board of Directors **Organization** **By-Laws, etc.**

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shall continue in office, until their successors are elected by the stockholders. A majority of the Board of Directors shall constitute a quorum to do business; may declare and pay dividends on the capital stock, from time to time. The stockholders may vote in all elections, in person or by proxy; that the stockholders shall be individually liable for the amount subscribed by each, until the same is paid in full, in money, or by the transfer of property, real or personal; no stockholder being allowed to vote beyond the amount actually paid in. The stockholders who subscribe and pay up the first five per cent. of the capital stock, shall have the right to purchase additional shares at par, in the event of the advance of stock beyond that rate.

Quorum, dividends, voting, etc.

SEC. 4. *Be it further enacted*, That all future Boards of Directors, shall be elected by the stockholders, at the annual meetings; which Board of Directors shall be vested with like power and privilege, as those granted to the original board; to elect all officers named in section 3 of this Act; to amend the by-laws of the company; to provide for the transfer of the stock owned by the stockholders; to keep a stock book, in which shall be entered, the name and residence of each stockholder, and the amount of stock owned by each; the amount paid in; the transfer of all shares of stock; the date of each transfer, and to whom made; also, books showing the assets and liabilities of said company; of what they consist; the profits and losses of the same; which books shall be subject to the inspection of the stockholders at all times.

Election, and powers of Directors, etc.

SEC. 5. *Be it further enacted*, That Ervin Butler, J. G. Butler, Jr., D. Theabald, E. D. Farnesworth, Alpheus Lyon, and W. J. Thomas, their associates, successors, and assigns, are hereby constituted a corporation, under the name and style of the "Tennessee Iron Company," for the manufacture of pig iron and blooms; work mines for ore or stone coal, or other minerals; to flux, refine them, and modify their property, in such manner as they may wish to suit their purposes, in their interest in trade.

Tennessee Iron Co.

SEC. 6. *Be it further enacted*, That the capital stock of said company, shall consist of not less than three thousand shares, or more than five thousand shares, of one hundred dollars each—stock transferable only on the books of the company. Said company shall have not less than three, nor more than five, Directors, who, with a President elected from their own body, shall govern

Capital Stock.

Officers.

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and manage the affairs of said company; and shall hold their offices for one year, and until their successors are elected.

SEC. 7. *Be it further enacted*, That said company shall have all the rights, powers and privileges, and be subject to all the limitations, liabilities and restrictions, so far as they are applicable, which are given to, and prescribed for, the LaGrange Iron Works, by An Act passed February 12, 1866. Rights, powers, etc.

SEC. 8. *Be it further enacted*, That D. E. Davenport, Taz. W. Newman, and James Buchanan, their associates, successors and assigns, be, and they are hereby, created, constituted, and declared, a body politic and corporate, under the name and style of the "Bailing Fork Manufacturing and Tanning Company;" that said company shall be allowed to commence with a capital of five thousand dollars, and may increase the same to one hundred thousand dollars. Bailing Fork Manufact'ing and Tanning Company.

SEC. 9. *Be it further enacted*, That said Bailing Fork Manufacturing and Tanning Company, shall have all the rights and privileges extended to the Sewanee Tanning and Mining Company, chartered at this session of the General Assemby, on the 17th of December, 1867. Rights and privileges.

SEC. 10. *Be it further enacted*, That John Rice, Hannibal J. Kimball, Edwin N. Kimball, and their associates, successors and assigns, be, and they are hereby, created a body politic and corporate, under the name and style of the "Tennessee Car Company;" with succession for thirty years, with all powers, rights, privileges, and immunities, incident to corporations, and necessary and useful for the purpose of this Act. Tennessee Car Co.

SEC. 11. *Be it further enacted*, That the capital stock of the said company shall be fifty thousand [dollars,] and be divided into shares of one hundred dollars each; and it may be increased, from time to time, to an amount not exceeding five hundred thousand dollars; and shall be issued and transferred, in such manner, and under such conditions, as the Directors of the said company, shall, by the by-laws thereof, prescribe. Capital Stock

SEC. 12. *Be it further enacted*, That the corporate powers of the said company, be vested in and exercised by, a body of Directors, consisting of such number of persons, not less than three, nor more than five, as the stockholders of the said company, may, from time to time, direct. The said Directors shall be chosen by the stockholders, at such time and place, as may be fixed by the by-laws of said company, and shall hold their offices for one year, and until their successors are elected and Directors, election, etc.

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qualified. They shall elect one of their number, President of said company; and may fill any vacancy in the said board, occasioned by death, resignation, or otherwise, for the unexpired portion of the time of office so becoming vacant; and make such rules, by-laws, and regulations, and appoint such officers and servants, as they may, from time to time, deem expedient, until an election of Directors, as herein provided. The persons named as corporators, in the first section of this Act, shall constitute a Board of Directors, and shall have, and may exercise, all the powers of such board.

Powers of Directors, etc.

SEC. 13. *Be it further enacted*, That the said corporation shall have power to manufacture, contract and purchase railway cars, with all convenient appendages and supplies, for persons traveling therein; and the same may sell, use, or prevent to be used, in such manner, and upon such terms, as the said company may think fit and proper.

Business.

SEC. 14. *Be it further enacted*, That the said corporation, shall have power to borrow money, and may secure the payment of the same, by deed of trust, mortgage, or other security.

May borrow money.

SEC. 15. *Be it further enacted*, That it may be lawful for the company hereby incorporated, to purchase, acquire, and hold, such real estate, as may be deemed necessary for the successful prosecution of their business, and may have power to sell and convey the same.

Hold real estate, etc.

WHEREAS, It has been found to be the interest of the Nashville & Decatur Railroad Company, to remove their depot, from Broad street, in Nashville, to a point on Cherry street, in South Nashville, near the City Cemetery; *and, whereas*, The portion of their track and right of way, extending from their junction with the Nashville & Chattanooga Railroad Company, Northwardly to Broad Street, as well as certain lots and parcels of land owned by them, near and along said portion of their road, will, in consequence of said removal, be of no further use to the company—they having secured, at their new depot, about twenty-three acres of land, more suitable and valuable than the property now authorized to be sold; Now, therefore,

Nashville & Decatur R. R.

Preamble.

SEC. 16. *Be it enacted*, That the Nashville & Decatur Railroad Company, be, and they are hereby, authorized to take up and remove the track, and all superstructures and buildings owned by them, upon and along said portion of their right of way; and to use and employ the same, in such manner as may be to the best interest of the road; and they are further authorized to sell

May remove track, etc.

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and dispose of, all said portion of their right of way of all of said lots and parcels of ground, lying north of their junction with the Nashville & Chattanooga Railroad, as well as any other real estate owned by them, and which will be of no further use for the purposes of this road, after the removal of their depot, as aforesaid; and any sale and conveyance made under the provisions of this Act, shall vest the purchaser with a title, free from any lien or incumbrance in favor of the State.

Sell property, make title, etc

SEC. 17. *Be it further enacted*, That William Moore, Thomas L. Green, and John Woodard, their associates, successors and assigns, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Robertson County Manufacturing and Commercial Company;" and by that name, may sue and be sued, plead and be impleaded, in any of the courts of law or equity, in this State or elsewhere; have and use a common seal, and change the same at pleasure; and have succession for a period of thirty-three years; make such by-laws, not inconsistent with the laws of this State or the United States, as it may deem proper and necessary for its government; to hold, by purchase, lease, or otherwise, and dispose of the same, in any way, any real estate or personal property, which may be useful or necessary for carrying on its operations, or which it may become possessed of in the payment of any debt or judgment to said company. The capital stock of said company, shall be fifty thousand dollars, with the privilege of increasing it to five hundred thousand dollars, at any time the Board of Directors may see proper, to be divided into shares of one hundred dollars each. Said company may build or erect on any of their lands, such buildings, machinery, fixtures, etc., as they may deem necessary and proper, for conducting the business of the corporation; and may manufacture, buy, sell, and dispose of, and deal in any or all of the productions or manufactured articles of the country, they may see proper; and shall have all the rights, powers, and privileges granted to other manufacturing or commercial companies in this State.

Robertson Co. Manf'ng and Com'l Co.

Rights, powers, and privileges, etc.

SEC. 18. *Be it further enacted*, That the incorporators, in person, or by proxy, shall, as soon after the passage of this Act as convenient, meet and organize by the election of a Board of Directors, of not less than three nor more than five in number, who shall have the management and control of the affairs of the company; a majority of them shall constitute a quorum for the transaction of business; and shall hold their offices for one

Organization, Directors, etc.

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year, and until their successors are elected; should a vacancy occur at any time in said Board, by death, resignation, or otherwise, the remaining Directors may fill said vacancy for the unexpired term of the Director so vacating; in electing said Directors, each stockholder shall have one vote for each and every share owned by him or them.

Vacancies, voting, etc.

SEC. 19. *Be it further enacted*, That said Directors shall elect annually, from among their number, a President, and such other officers, clerks and employés as the interest of the company may require; and may take of each of them such bond or bonds, with security for the faithful performance of the duties assigned them, allow such compensation as they may think proper; and may remove or dismiss any of them at pleasure.

Officers.

SEC. 20. *Be it further enacted*, That the meetings of said Board of Directors shall be at such times and places as they themselves may determine; and special meetings thereof may be called by the President, or a majority of the Directors; and at all meetings thereof, a majority shall constitute a quorum for the transaction of any business.

Meetings, etc.

SEC. 21. *Be it further enacted*, That the stock and property of said company and corporation, of whatever nature, shall be assignable and transferable on the books of said corporation, in such manner as the regulations and by-laws thereof, may provide.

Stock transferable.

SEC. 22. *Be it further enacted*, That Jos. H. Blackburn, John B. Robinson, W. L. Hathaway, J. B. Armstrong, and their associates, successors and assigns, be, and they are hereby, created a body corporate, by the name and style of the "Pinhook Turnpike Company," with authority to build a road from Smithville, in DeKalb County, crossing Caney Fork River at Pinhook, in said county, and intersecting with and terminating on the Smithville & Sparta Turnpike, near the residence of Helen Grove, in White County; said Pinhook Turnpike Company to have all the powers, rights, privileges and immunities, and be subject to all the penalties that are contained in the charter of the Aman L. Davis Turnpike.

Pinhook Turnpike Comp'y.

Powers etc.

SEC. 10. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed February 28, 1868.

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CHAPTER LXVIII.

AN ACT to Incorporate the First Colored Methodist Institute of Anderson County, located at Clinton, Tennessee; and for other purposes.

Trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John C. Tate, Calvin Kirkpatrick, Henderson Whitson, Peter Butler and Samuel Cross, be, and are hereby, constituted a Board of Trustees for the "First Colored Institute of Anderson County," which shall be, and is hereby, located at Clinton, Tennessee.

Land and Buildings.

SEC. 2. *Be it further enacted*, That said Institute, mentioned in the first section of this Act, shall consist of the lot, or parcel of ground, and all buildings, that now are, or may hereafter be, constructed thereon for the purposes prescribed by this Act, which Richard J. and John Jarnagan recently conveyed by deed to the persons named in the said first section of this Act; and which lot or parcel of ground, adjoins the lands of said Richard J. and John Jarnagan, W. W. Wallace, the heirs of J. C. Marshall, deceased, and the heirs of John Whitson, deceased; the same being the lot or parcel of land on which the said Trustees have recently erected a building, known as the Colored Church.

How and what to be used for.

SEC. 3. *Be it further enacted*, That the houses now erected, or that may hereafter be erected, on said lot or parcel of land, shall be used for religious and educational purposes; *i. e.*, the said buildings shall be under the control and direction of said Trustees, and by their direction may be used in which to preach the Gospel, and for teaching, instructing and educating the colored people, by the said Trustees having conducted therein, a school or schools of such grade, and in which such branches of learning may be taught, as they determine; and having such religious denomination, or denominations, use the the same for the purpose of religious worship, as the said Trustees may deem proper.

Trustees to control.

SEC. 4. *Be it further enacted*, That said Trustees shall have exclusive control of said lot or parcel of ground, and all buildings which now are, or hereafter may be erected thereon, which they are to use for the purposes set forth in the third section of this Act.

Organization.

SEC. 5. *Be it further enacted*, That the said John C. Tate, Calvin Kirkpatrick, Henderson Whitson, Peter Butler and Samuel Cross, Trustees as aforesaid, shall, as soon after the passage of this Act as may be practi-

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Same.

cable, meet in the town of Clinton, and organize said Board of Trustees, by electing from their own body a President, Secretary and Treasurer, who shall hold and exercise the functions of their respective offices for the term of twelve months; and after the first election of said officers, it shall be the duty of said Trustees to proceed to elect their successors every twelve months, counting from the first Monday of January, 1868; *Provided*, that should said Trustees, from any cause whatever, fail to make such election on the first Monday of January, as hereinbefore prescribed, it shall be, and is hereby made their duty to elect the said officers of President, Secretary and Treasurer, as soon thereafter as may be practicable, and that said officers shall serve until their successors are elected.

Annual Election.

Succession, vacancies, etc.

SEC. 6. *Be it further enacted*, That said Trustees shall be, and are hereby, vested with the power of succession for the period of ninety-nine years; and it shall be the duty of said Trustees, whenever a vacancy occurs in said Board, by death, resignation, or other cause, to proceed to fill such vacancy by the vote of their own body; a majority of a quorum being necessary to elect such Trustees.

Quorum, voting, etc.

SEC. 7. *Be it further enacted*, That a majority, or three of said Board of Trustees, shall constitute a quorum to transact business; *Provided*, a larger number shall fail to attend and be present at any meeting of said Board; but when a larger number shall be present at any meeting of said Board, a majority of those present and voting, shall be necessary to control in any vote on any resolution, motion, or other matter acted on by said Board of Trustees.

SEC. 8. *Be it further enacted*, That the President, who shall be elected as herein before prescribed, shall act as presiding officer, at all the meetings of said Board of Trustees, subject to such rules and by-laws as said Board may, from time to time, adopt, for the government of their body.

Secretary to keep record, etc.

SEC. 9. *Be it further enacted*, That it shall be the duty of the Secretary to keep a full and perfect record of all the proceedings of said Board of Trustees, in a well-bound book, which shall be subject to inspection by any one or all of said Board, at any time such inspection may be deemed proper by said Board; *Provided*, the said Secretary shall make no record or minute in said book, of any of the proceedings of said Board of Trustees, when a majority thereof may deem such record or minute unnecessary. But said Secretary shall conform his duties to the requirements of such rules and by-laws as said Board may prescribe, from time to time, in regard to keeping the records and proceedings of their body.

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SEC. 10. *Be it further enacted*, That it shall be, and is hereby made the duty of the Treasurer, to take charge of and manage all moneys which may come under the control of said Board of Trustees, or be subject to their order and direction; keep a stated account in a well bound book, kept for that purpose, showing the amount and condition of all funds under the management of said Board of Trustees, and apply such funds as may be in his hands as such Treasurer, to such religious and educational purposes as said Board of Trustees may, by vote, direct. He shall, also, be subject, in his capacity of Treasurer, to such rules and by-laws as said Board of Trustees may establish, not inconsistent with the provisions of this Act. Treasurer's duties.

SEC. 11. *Be it further enacted*, That said Board of Trustees shall be, and are hereby, vested with authority and power to open books and receive subscriptions for the purpose of raising for religious and educational purposes, and may appoint agents to solicit and collect, subscriptions for said purposes; which funds, when collected, shall go into the hands of the Treasurer, and be under the direction and control of said Board of Trustees, to be applied as they may direct, for the purposes hereinbefore mentioned; and when said Trustees may deem proper, they are authorized to loan out the funds in the hands of the Treasurer, and be under the direction and control of said Board of Trustees, to be applied as they may direct, for the purposes hereinbefore mentioned; and when said Trustees may deem proper, they are authorized to loan out the funds in the hands of the Treasurer at the legal rate of interest; *Provided*, it shall be their duty to collect the interest on all moneys thus loaned out, at least once every twelve months. Subscriptions. May loan the funds, etc.

SEC. 12. *Be it further enacted*, That the said Board of Trustees shall have power to remove the President, Secretary, Treasurer, or any member of the Board, whenever, in their judgment, the interest of said institution may demand such action. Removals.

SEC. 13. *Be it further enacted*, That the said Board of Trustees shall hold their regular meetings on the first Mondays of January, April, July and October, commencing on the first Monday of January, 1868; and that said Board may meet upon their own adjournments, or whenever the President may deem it proper to call them together. Quarterly Meetings, etc.

SEC. 14. *Be it further enacted*, That Lewis Wilson, Chas. Watson, Jordan Bransford, Henry Harris, Henry Price and Austin Norman, their associates and successors, be,

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and are hereby, constituted a body politic and corporate, in deed and in law, by the name and style of the "Society of Brothers and Sisters of Love," in the City of Nashville, with power to keep a common seal, and the same to break, alter and amend at pleasure; to sue and be sued, plead and be impleaded, complain and be complained against, answer and be answered unto, in any action either at law or in equity; to receive donations, and make purchases of property, both real and personal, with power to sell and convey such property, and reinvest the proceeds for the benefit of said society; also, with the power of framing their own constitution, electing their own officers, passing their own rules and by-laws for the government of the members of said society, and of enforcing the same for the purpose of effecting the objects of its organization, and further passing upon the qualifications necessary to membership.

Society of Brothers & Sisters of Love

Rights and powers.

SEC. 15. *Be it further enacted*, That the objects of said society shall be to ameliorate the condition of the colored race, to disseminate principles of morality and virtue among, and extend education to them; to render protection and succor to members of the organization, and their families, whenever such may be deemed necessary and proper, and to better qualify themselves to exercise the privileges which the colored people have acquired by reason of their late changed condition.

Objects, etc.

SEC. 16. *Be it further enacted*, That the society hereby incorporated shall have existence and succession for the term of fifty years.

SEC. 17. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 3, 1868.

CHAPTER LXIX.

AN ACT to Incorporate the Central Tennessee Salt Works Company; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John F. Spence, Leonard G. Calkins, C. Conover, and Caleb Calkins, and their associates, successors and assigns, be, and are hereby, constituted a body corporate and politic, by the name

Corporators.

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and style of the "Central Tennessee Salt Works Company;" and by that name and style, shall have succession for fifty years, with power to contract and be contracted with, to sue and be sued, in that name, in all the courts of this State; to have a common seal; to engage in mining, manufacturing, and boring for salt, and manufacturing and refining and transporting and selling the same; and to hold the lands and premises now owned, or which they may hereafter own by purchase or otherwise, in this State; to hold their meetings, and transport and sell their products in or out of this State; and to have all other powers needful for the successful prosecution of the business of manufacturing and selling salt, and for the execution of the powers herein granted. Rights and powers.

SEC. 2. *Be it further enacted*, That said corporation may organize said company, by the appointment of a President, and such other officers and managers as they may deem necessary, at such times and places as they may designate by notice previously given; and when thus organized, said company shall have power to make such by-laws, rules and regulations as they may deem necessary, from time to time, for the government of said corporation, in the prosecution of the manufacture and sale of salt, not inconsistent with the Constitution and laws of the United States and the State of Tennessee. Organization.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall not exceed one million dollars; and that as soon as practicable after said company shall have organized under this charter, and at least once every six months thereafter, the President shall make a sworn statement as to the amount of capital actually invested by said company in the manufacture of salt under the provisions of this incorporation Act, and the estimated value of their lands, and other necessary property, machinery, etc., required to conduct said business. Capital Stock, statement, etc.

SEC. 4. *Be it further enacted*, That said company may buy, lease, or rent, any suitable lands, mines, or salt rights or privileges, rights of way, and other property necessary for their business, and dispose of the same, or any part thereof, by sale or otherwise; they may receive real estate, leasehold, mining and boring rights, and rights of way, in payment of such subscriptions for stock, as they may deem advisable; said company may erect and build on any of their lands, such buildings, engines, machinery and fixtures as may be deemed convenient and proper for carrying on and conducting the business of said corporation; and be empowered to do any and all other incidental things necessary to carry out the objects of said corporation. Real estate, buildings, etc.

SEC. 5. *Be it further enacted*, That the capital invested

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Taxes.

for the purpose of manufacturing salt under this charter, shall be exempt from State and county taxation for the period of five years; *Provided*, that not more than one hundred and fifty thousand dollars shall be so exempt; *Provided, further*, that this section shall be applicable to any and all manufacturing companies who will comply with the provisions of this Act, for the purpose of manufacturing salt in this State.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 3, 1868.

CHAPTER LXX.

AN ACT to Incorporate the Jones' Creek Oil and Mining Company.

Corporators.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John C. Hogan, Asa B. Ayres, William P. Innis, George H. Hudson and John M. Nash, their associates, successors and assigns, be, and they are hereby, created, constituted and declared a body politic and corporate, under the name and style of the "Jones Creek Oil and Mining Company of Tennessee;" and by said name and style, shall have succession for the period of thirty years; and shall be capable in law to contract and be contracted with, sue and be sued, answer and be answered unto, to unite and prosecute to final judgment in any court of law and equity in this State, or elsewhere; to make, have and use, a common seal, and change the same at will; with all the powers necessary to acquire and hold, lease, release, buy and sell property, personal, real and mixed, that they may desire in carrying on their business, with all other powers proper or necessary for them to have; *Provided*, that no more than ten thousand acres of land shall be owned by said company, at any one time.

Powers and privileges.

Rights, etc.

SEC. 2. *Be it further enacted*, That this company shall have the right to bore, explore, mine or dig for petroleum, or any other valuable volatile or mineral substances, and to refine, smelt or convert any or all of them, to

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any or all such uses as they may be severally adapted; also, to conduct any of the several manufacturing businesses.

SEC. 3. *Be it further enacted*, That this corporation shall have power to fix its capital stock, and increase or diminish it at will, and the number and representive value of its shares, and the privilege to vend the same; also, the right to pay for any species of property in shares of stock; and enact all the necessary by-laws, rules and regulations for its government, not inconsistent with the laws of this State, or the United States, as it may think proper. Capital Stock.

SEC. 4. *Be it further enacted*, That this incorporation shall be subject to such taxes as may be imposed on similar incorporations in this State. Taxes.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 3, 1868.

CHAPTER LXXI.

AN ACT to Authorize the County of Bedford to issue County Bonds; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County of Bedford, in said State, is hereby authorized to issue County Bonds, not to exceed the sum of fifty thousand dollars, for the purpose of rebuilding the Court House in said county, which was destroyed by fire in the year 1863.

SEC. 2. *Be it further enacted*, That said bonds be issued and sold under the direction and control of the County Court of said county. County Court.

SEC. 3. *Be it further enacted*, That said bonds shall be issued with or without coupons, at the discretion of said court, and in denominations of not less than fifty, nor more than one hundred dollars, and not to run more than ten years. Character of Bonds.

SEC. 4. *Be it further enacted*, That the County of

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Johnson Co. may issue Bonds.

Johnson is hereby authorized to issue County Coupon Bonds, to an amount not exceeding twenty-five thousand dollars, to run not less than fifteen years, nor more than thirty years, bearing interest at the rate of six per cent.; and that said county is authorized to take stock in the Mineral Home Railroad, not to exceed twenty-five thousand dollars; and the above bonds shall be used for the payment of said county stock, and nothing else.

Hardeman Co.

SEC. 5. *Be it further enacted*, That the provisions of this Act be extended to Hardeman County.

Perry County

SEC. 6. *Be it further enacted*, That the County Court of Perry County—a majority of the Justices voting therefor—be authorized to issue bonds, for the purpose of building a Court House, to the amount of fifteen thousand dollars, bearing such interest as the court may designate, not to exceed seven per cent., payable in fifteen years, or sooner, at the discretion of the court, with all the rights and privileges granted in this Act.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 3, 1868.

CHAPTER LXXII.

AN ACT to Repeal Section 12, Chapter 192, of the Acts of 1853 and 1854; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 12, Chapter 192, of the Acts of 1853 and 1854, incorporating the town of North Shelbyville, be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted*, That An Act passed February 9, 1854, Chapter 193, of the Acts of 1853–'54, be so amended, as to extend the Southern boundary line of the corporation of Shelbyville, a distance of one hundred and fifty yards, along the North bank of Duck River; thence East, with an extension of one hundred and fifty yards; thence North, to the turn in the Shel-

Corporation line of Shelbyville.

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byville & Fairfield Turnpike; thence West, one mile and a-quarter, to the old North Shelbyville corporation line; thence South, to the fork of Columbia Road and Nolensville Turnpike.

Repealed.

SEC. 3. *Be it further enacted*, That all laws, or parts of laws, conflicting with this Act, be, and the same are hereby, repealed.

Recorders for Lawrenceb'rg and Pulaski.

SEC. 4. *Be it further enacted*, That the Acts chartering and incorporating the town of Pulaski, in Giles County, and the town of Lawrenceburg, in Lawrence County, Tennessee, be, and the same are hereby, so amended as to create a Recorder for each of said towns, with the same qualifications, powers and liabilities, as are conferred upon and required of the Recorder of the town of Columbia, in Maury County, Tennessee.

Elections.

SEC. 5. *Be it further enacted*, That it shall be the duties of the Sheriffs of the Couties of Giles and Lawrence to open and hold an election in the towns of Pulaski and Lawrenceburg, on the first Saturday in April, 1868, after giving proper and legal notice, for the purpose of electing a Recorder for each of said towns. Said Recorder to be elected by the qualified voters who reside in said incorporated towns, in the same manner as county or district officers; are to hold their offices for two years from the date of their elections, or until their successors are elected and qualified.

Laws to govern the towns.

SEC. 6. *Be it further enacted*, That the same laws which apply to the government of the town of Columbia, Tennessee, shall apply to the government of the towns of Pulaski and Lawrenceburg, Tennessee, as far as they can be made so to do.

Boundary of Pulaski.

SEC. 7. *Be it further enacted*, That the boundaries of the town of Pulaski, Tennessee, be extended as follows: Beginning at the West corner of the corporation; running thence to the big spring of W. F. Ballentine's field; thence to the mile-post on the Fayetteville pike, east of Solon E. Rose's residence; thence to a large white oak on the Fayetteville road, near Mrs. Faukislie's; thence to the sink near the Cemetery on the Pulaski and Columbia Turnpike, North of Frank Wilkerson's; thence to the North-west corner of the original line, to the place of beginning.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Sen

Passed March 3, 1868.

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CHAPTER LXXIII.

AN ACT to Charter the Knoxville Hebrew Benevolent Association; and for other purposes.

Corporators.

Rights and powers.

German Lutheran Congregation of Knoxville.

Powers and privileges.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That M. Stearn, Jacob Daniel, Louis David, Frank Hart, N. Stearn, Julius Ochs, and M. Spiro, their associates and succcssors, be, and they are hereby, created a body politic and corporate, with power to sue and be sued, plead and be impleaded, in any of the courts of the State, or of the United States, under the name and style of the "Knoxville Hebrew Benevolent Association;" and as such, shall have succession for thirty years, make all necessary regulations for their own government, survey, purchase, or hold, any real estate, or personal property, necessary to beautify or adorn, as they may think best, for establishing a cemetary, for the purpose of burying their dead, protecting the poor, relieving the destitute, and forming a basis for a congregation, to be established whenever the association shall deem it practicable; and do all and every necessary thing to effect the objects of the above stated association, not inconsistent with the laws of the United States, and the State of Tennessee.

SEC. 2. *Be it further enacted*, That Dr. Edward Goetz, John A. Aurin, Charles Baum, Ferdinand Aurin, and Peter Keer, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "German Lutheran Congregation of the City of Knoxville;" and by that name, shall have thirty years' succession, and a common seal; may sue and be sued, plead and be impleaded, with power to purchase, receive and hold, to them and their successors forever, all and any lands, tenements, rents, goods and chattels, of what kind soever, which may be purchased by, or given them, for the use of a German Lutheran Church and School; and to have, sell, or vend, or otherwise dispose of the same, in such manner as shall, in their judgment, most conduce to the interest of said congregation; *Provided*, that not less than a majority of the officers for the time being, shall be sufficient to authorize the sale or mortgage of any real estate of said congregation; and the same shall not exceed in valuation the sum of fifty thousand dollars.

SEC. 3. *Be it further enacted*, That the above named Trustees and their successors in office, and the regular

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members of the congregation, shall have the power to elect or appoint a President, Secretary, Treasurer, and such other officers as they may deem proper; to make and establish, from time to time, such by-laws, rules and regulations, not contrary to the laws of this State, or of the United States, as they may judge proper, for the government of said congregation. A majority of the officers shall constitute a Board for the transaction of business, and any vacancy or vacancies among officers occasioned by death, resignation, or legal disability, shall be supplied by appointment of the Board. Officers, By-Laws, etc.

SEC. 4. *Be it further enacted*, That the said Board of Trustees shall have power, either by themselves, or agents, to take and receive subscriptions for said church; and in case any person shall fail to pay his or her subscription, to enforce the payment thereof, by warrant, before any Magistrate, or by motion, in any Court in the State, according to the amount of such subscription, by giving ten days' notice of such motion. Subscriptions

SEC. 5. *Be it further enacted*, That the right is hereby reserved by this General Assembly, to modify or repeal this Act at pleasure.

SEC. 6. *Be it further enacted*, That this Act shall be in full force from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 8, 1868.

CHAPTER LXXIV.

AN ACT to Establish the Division Fair at Knoxville, Tennessee.

WHEREAS, in accordance with, and under the provisions of, Part first, Chapter 1, and Article 3, and Section 281, of the Code of Tennessee, a Division Fair was established at Knoxville, Tennessee, some years before the late war; *and whereas*, the incidents of the said war, in a great measure, destroyed the improvements made on the Fair Grounds, and resulted in the suspension of the operations of the corporation; *and whereas*, nothing has been done, and no steps are likely soon to be taken, to re-organize said corporation for the purpose of said Fair, by the original corporators; *and whereas*, it is essentially necessary to the proper development of the agricul- Preamble.

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tural resources of the fertile region of East Tennessee, that said Division Fair should be established; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor be, and is hereby, vested with authority, and clothed with full power to appoint a full quota of delegates, managers, or Board of Directors, whose duty it shall be to re-organize the said corporation, under and in accordance with the laws already existing in regard to the government and control of Division Fairs.

Governor to appoint Directors.

SEC. 2. *Be it further enacted*, That said corporators, when appointed as prescribed by the first section of this Act, shall have the right of perpetual succession, as heretofore enacted in regard to Division Fairs, and are hereby clothed with full power and authority to fill all vacancies that may occur, from any cause whatever, and to appoint their successors by vote, either by ballot, or such other method as the said corporators may determine in their by-laws, or rules, established for their government.

Vacancies, By-Laws, etc.

SEC. 3. *Be it further enacted*, That it shall be the duty of said corporators appointed under the provisions of this Act, to proceed to organize as soon after their appointment, as may be practicable; and it shall be the duty of those having the grounds and property belonging to the Division Fair in Knoxville in possession, and the especial duty of the corporators of said Division Fair, hereafter, and until the passage of this Act, existing under former laws, to turn over to the corporators herein provided for, or to their properly chosen and constituted officers or agents, all such property, money, etc., of every description; and when said corporators shall come in possession of said property, it is hereby made their duty to use the same as prescribed by heretofore and now existing laws.

Organization.

Property.

SEC. 4. *Be it further enacted*, That the corporators of said Division Fair shall have all the rights, powers, privileges and immunities that accrued to, and were vested by law, in, the original corporators; that after the Governor shall have appointed the corporators, as herein prescribed, his authority to appoint shall cease; and vacancies and all successors shall be filled as provided in the second section of this Act.

Rights and powers.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 14, 1868.

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CHAPTER LXXV.

AN ACT to Reimburse certain Moneys to Col. John Bowles; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury be, and is hereby, directed to issue his warrant to Col. John Bowles, for the sum of five hundred dollars, to reimburse the said Bowles certain moneys expended by him in the years 1865 and 1866, in guarding, boarding and transporting from one place to another, certain prisoners under his charge and control; and that the Treasurer accept and pay said warrant out of any money which is now, or may hereafter be, in the treasury, not otherwise appropriated, according to the laws now in force governing the payment of warrants issued by the Comptroller, for salaries and other liabilities of the State. $500 appropriated.

SEC. 2. *Be it further enacted*, That the Comptroller of the State is hereby authorized to issue his warrant to H. S. Patterson, late Sheriff of Smith County, for ninety-six dollars, the amount expended by said Patterson, for feeding prisoners, while acting as Sheriff. H. S. Patterson

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 4, 1868.

CHAPTER LXXVI.

AN ACT to Incorporate the Bristol & Kendrick's Creek Turnpike Company, in Sullivan County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joseph R. Anderson, John G. King, Elkanah Millard, William Millinix, John Spurgin, Sr., Jesse Childress, John Harbor, Sr., Andrew Coen, Peter Early, Samuel Perry, Rolly Gott, and all persons who shall become stockholders, pursuant to this Corporators.

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Act, shall be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Bristol and Kendrick's Creek Turnpike Company;" and by that name may sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges, and powers, appertaining to bodies politic and corporate by law, and shall have succession for the period of ninety-nine years.

Powers.

Capital Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing the same thirty thousand dollars, should it be deemed necessary to the completion of the road; said capital stock to be divided into shares of twenty-five dollars each.

Subscription Books

Meeting to Elect Directors.

SEC. 3. *Be it further enacted*, That the aforesaid persons, in the first section of this Act, are hereby constituted Commissioners to open books and receive subscriptions of stock, after giving twenty days' notice of the time and place of opening books; and so soon as it shall be ascertained, that one thousand dollars have been subscribed, they shall call a meeting of the stockholders, by such public notice as they may deem necessary, which meeting shall be held at Blountville, in Sullivan County; and at said meeting, said stockholders, or a majority of them, being present, or represented by others, under powers of attorney, shall elect seven Directors; every stockholder being entitled to one vote for each share, who shall be stockholders, and of whom said Directors shall choose one of their body, President; and said President and Directors shall remain in office one year, or until their successors shall be elected, which shall be done at the expiration of each year, from the time of the first election, and in the same manner; of which time and place twenty days' notice shall be given by the President.

Powers of Directors.

The said President and Directors shall have all the powers, and perform all the duties necessary, in locating the road, between the points hereinafter specified, letting out contracts for its construction, appointing necessary officers, receiving subscriptions, and disbursing the funds of the company, together with the general superintendance of constructing the road, erecting gates for toll, and in otherwise governing and managing the affairs of the road, and determining by their by-laws; the manner of adjusting and settling all accounts against the company, and also, the evidence and manner of the transfer of stock in said company.

SEC. 4. *Be it further enacted*, That the President and Directors, or any five of them, shall be sufficient to trans-

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act the business confided to them; and all vacancies happening in the Board, between the regular meetings of the stockholders, shall be supplied by the Directors, two-thirds being present. Vacancies.

SEC. 5. *Be it further enacted*, That immediately after the election of the Directors, they, or a majority of them, or such other persons as they shall appoint, shall proceed to designate and make out the route, commencing at the town of Bristol, passing by way of Blountville, the nearest and most practical route, crossing the Holston River, at or near Childress' Ferry, intersecting the Jonesboro' and Ready Creek Turnpike road. Route of road.

SEC. 6. *Be it further enacted*, That, when any ten miles of the road shall be graded, the company shall be entitled to erect one gate, and so on, for every ten miles thus completed; and when the entire line of said road shall have been completed, the company shall be entitled to erect one gate for every five miles, and collect toll as follows: For every twenty head of sheep and hogs, twenty cents; for every twenty head of cattle, fifty cents; for every horse or mule, not in a drove, nor employed in drawing a cart, or a wagon, five cents; in a drove, two cents, and so on in proportion, when a greater or less number of said animals pass; for every four-wheeled carriage, twenty-five cents; for every two-wheeled riding carriage, twenty-five cents; for every loaded wagon, twenty-five cents; for every empty wagon, fifteen cents; for every cart, loaded, fifteen cents; empty cart, fifteen cents; for every man and horse, five cents. Gates. Rates of toll.

SEC. 7. *Be it further enacted*, That the stockholders shall have the privilege of paying the amount of their stock, or any part thereof, in work upon the road, in its construction, or in money, as the company shall order; and in letting out contracts for building the road, the Directors shall give a preference to the stockholders who desire to take contracts; *Provided*, such stockholders will undertake such contracts upon as good terms as can be let to others. Stockholders to be prefer'd

SEC. 8. *Be it further enacted*, That if any person, over whose land said road may run, claims damages for the same, and he and the company cannot agree upon the amount, he may apply to the Circuit Court, at its next, or any subsequent term, by petition, setting forth the nature of the case; and the court shall appoint a jury of five disinterested persons, to go upon the ground, and after being sworn by the Sheriff, assess the damages, which, in their judgment, the petitioner has sustained by said road running through his or her land, or Damages for land used.

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through the land of his or her ward, in case of minors; which assessment of damages, shall be made out and signed by said jury and returned to the next term of said court; and a judgment shall be entered, and execution issued for the same, against the President and Directors, in favor of the person entitled to the same. In making out their report, the said jury shall take into consideration, the advantage of such road to the petitioner. The property in said road, when completed, shall vest in said company, and their successors, for the purpose of a highway, which shall be free for all persons, on the terms and conditions herein prescribed, and the same shall not be liable to taxation.

Same.

Taxes.

SEC. 9. *Be it further enacted*, That the President and Directors may purchase, for the use of the company, any quantity of land not exceeding twenty-five acres, adjacent to each toll-gate, and take conveyance therefor, to themselves and their successors. And for the purpose of making said road, and keeping it in repair, the said President and Directors, or their agents, may cut, dig, quarry, and take from any land adjoining said road, such timber, gravel, stone or earth, as may be necessary for constructing and keeping said road in repair; and if any person, from whose land any timber may be taken, shall consider himself injured, and the amount of damages cannot be agreed upon between himself and the company, the matter shall be settled in the same manner prescribed in the eighth section of this Act.

May purchase lands for gates.

Take property, etc.

SEC. 10. *Be it further enacted*, That if any person shall refuse to pay toll, hereby granted, at the time of offering to pass, the toll-gatherers may lawfully refuse the passage of such persons, or things, subject to toll, as aforesaid; or if any article, or thing, liable to toll, shall, by any means, pass without payment, when demanded by the toll-gatherer, the company may, by warrant from any Justice of the Peace, recover from the owner or person in possession of the article or subject of toll, five dollars for each offense.

Refusal to pay toll.

SEC. 11. *Be it further enacted*, That if said company shall fail to keep said road in good repair for the space of fifteen days, and information shall be given to any Justice of the Peace in the neighborhood, he shall issue his warrant to a constable, commanding him to summon three freeholders, to meet at a certain time, at the place complained of, reasonable previous notice being given to the President or some of the Directors; and if, on report of said freeholders, on oath, it shall be found, in presence of said Magistrate, that said road is out of repair, according to the intent and meaning of this Act,

Failure to keep road in repair.

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the tolls hereby granted, shall cease to be demanded, until such defective part of said road be put in good repair.

Governor to issue Bonds for Bridges.

SEC. 12. *Be it further enacted*, That, whenever the sum of five thousand dollars shall be subscribed for the purpose of building bridges across Holston River, as a part of said turnpike road, the Governor shall be authorized and directed to issue the sum of twenty thousand dollars, in Tennessee State Bonds, with coupons attached, to the President and Directors of said turnpike company, for the purpose of erecting bridges across the Holston River as a part of said turnpike road.

Great Western Life Insurance Co.

SEC. 13. *Be it further enacted*, That Robert Bage, John H. Bird, A. W. Canfield, Thomas B. Kur, Fred. W. Macy, N. Southwick, Fred. W. Downer, and those who may hereafter associate themselves with them, be, and are hereby, constituted a body corporate and politic, under the name and style of the "Great Western Life Insurance Company;" and, as such, shall sue and be sued, and shall enjoy all the rights and franchises, and be under all the penalties of the Southern Life Insurance Company; and shall pay such tax as may be, from time to time, imposed on insurance companies; the General Assembly of the State reserving the right to alter or amend, at pleasure.

McMinnville and Beersheba Springs Turnpike Co.

SEC. 14. *Be it further enacted*, That a company is hereby incorporated, to be styled the "McMinnville and Beersheba Springs Turnpike Company," for the purpose of constructing a turnpike road from the town of McMinnville, in the County of Warren, to Beersheba Springs, in the County of Grundy.

Capital Stock

SEC. 15. *Be it further enacted*, That the capital stock of said company shall be twenty-five thousand dollars—to be divided into shares of fifty dollars each—which may be increased, from time to time, to an amount not exceeding one hundred thousand dollars.

Commissioners to open Books.

SEC. 16. *Be it further enacted*, That L. D. Mercer, John Armfield, Samuel Scott, Chatham Coffee, P. H. Marbery, Samuel Henderson, and John M. Barr, be appointed Commissioners to open books, in the town of McMinnville, for subscriptions to the capital stock of said company. So soon as twenty-five thousand dollars of the capital stock of said company, is subscribed, said Commissioners shall hold an election in the town of McMinnville, for five Directors to manage the affairs of said company, who shall hold their offices for twelve months, and until their successors are elected.

Powers of Directors.

SEC. 17. *Be it further enacted*, That the Directors of said company shall have power to lay off, mark out, and locate said road, to prescribe the grade of said road, and

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to designate its width; *Provided*, said road shall not be graded less than twenty feet wide, and metaled not less than fourteen feet wide.

Powers and privileges.

SEC. 18. *Be it further enacted*, That this company shall have all the powers and privileges, and be subject to to all the restrictions, contained in the Act of the General Assembly of the State of Tennessee, passed February 12th, 1836, chartering the Lebanon and Nashville Turnpike Company, so far as the same may be applicable.

SEC. 19. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 4, 1868.

CHAPTER LXXVII.

AN ACT to Amend An Act to encourage Railroads, passed May 25th, 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the words "by way of Harrison," in the fourth line of the third section of "An Act to encourage Railroads," etc., passed the 25th of May, 1866, be, and the same is hereby, repealed.

H., S. & Cin., and Ch. & Cin. Railroads.

SEC. 2. *Be it further enacted*, That the Harrison, Selma & Cincinnati Railroad Company, and the Chattanooga & Cincinnati Railroad Company, be, and they are hereby, authorized to amalgamate their entire railroad interests, or any part thereof, that will not be detrimental to the interests of the State, at such time and place as they may think proper, and to the interests of said companies.

State aid.

SEC. 3. *Be it further enacted*, That in case the said roads should so amalgamate, and shall build and use but one line of road; that in that case, the roads shall receive, jointly, the State aid granted to either one of said roads, as they may elect; and once having elected, the road not selected, shall not be entitled to any aid here-

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tofore granted to said road, for the distance said roads shall build and use a track in common.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 4, 1868.

CHAPTER LXXVIII.

AN ACT to Incorporate the Clarksville Hotel Company; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That B. O. Keese, Winfield Roach, R. H. Williams, O. M. Blackman and C. J. Smith, and their associates and successors, and assigns, be, and they are hereby, constituted a body politic and corporate, under the name and style of "The Clarksville Hotel Company;" and by that name may sue and be sued, plead and be impleaded; and shall have succession for thirty years; with power to contract and be contracted with; and to have and use a common seal; for the purpose of doing a Hotel business, in the town of Clarksville, Tennessee; and for that purpose, they may open books for subscription of stock, and receive subscriptions to the amount of twelve hundred and fifty shares, of two hundred dollars for each share; but they may commence work when two hundred shares shall have been subscribed, and forty shares paid in. **Rights and powers, etc.**

SEC. 2. *Be it further enacted*, That when two hundred shares shall have been subscribed to said company, the stockholders may elect five Directors, who may elect one of their number President; and said Directors may also elect a Secretary and Treasurer; and said Directors shall serve for the period of one year, or until their successors shall have been elected and qualified; and said Directors may make such by-laws and regulations for said company, as they may think proper; *Provided*, they do not conflict with the laws of the State, or the United States. **Election and powers of Directors.**

SEC. 3. *Be it further enacted*, That said company may

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buy a lot, on which to erect a building, for the purpose of conducting the business of said company.

Liability.

SEC. 4. *Be it further enacted*, That the stockholders in said company shall not be individually responsible for more than the amount of stock by each subscribed.

Town of Union City.

SEC. 5. *Be it further enacted*, That the Mayor and Aldermen of the town of Union City, shall have power to regulate foot-pavements, sidewalks and ditches in the streets of said town; and if the owner or owners of lots, shall fail to comply with the provisions of such by-laws, within such time as may be prescribed thereby, the corporation may contract with some suitable person or persons, on the best terms that can be made, for the construction of pavements or sidewalks, and pay for the same; and the amount so paid by the corporation, shall constitute a charge against the owner or owners of the lots, to be recovered against them by suit instituted for that purpose.

Sidewalks.

Jurisdiction of Mayor.

SEC. 6. *Be it further enacted*, That the Mayor of the town of Union City, Obion County, Tennessee, be, and he is hereby, invested with concurrent jurisdiction with Justices of the Peace, in all cases of violation of the criminal law of the State, or of the ordinances of the Mayor and Aldermen of the town of Union City, within the corporate limits of said town; and shall have power to try, and punish, by fine, all persons who may be guilty of a violation of any of the by-laws or ordinances of the corporation of said town of Union City.

Boundary line.

SEC. 7. *Be it further enacted*, That the West boundary line of the corporation of said town be so changed, as to run no further than the West end of Palmer Street; and thence due East with that street, across C. N. Gibbs' addition to Ben. Evans' West boundary line; and thence South with that line to the present boundary line designated in the charter.

Montvale Spring Co'ny.

SEC. 8. *Be it further enacted*, That Joseph L. King, Thos. H. Calloway and L. King, with their associates, and such other persons as may be hereafter interested as stockholders, by subscription to the capital stock of said company, or by assignment, are hereby declared to be a body corporate and politic, by the name of the "Montvale Springs Company;" and by that name shall be authorized to use a common seal, to sue and be sued, to plead and be impleaded.

May hold real estate.

SEC. 9. *Be it further enacted*, That under said name of the Montvale Springs Company, they shall have the right to hold real estate; and, from time to time, may purchase other property, both personal and real, in their corporate capacity; and that they may hold and own the real estate of the Montvale Springs, with all the improve-

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ments thereon; which property is situated in Blount County, Tennessee, and known as the Montvale Springs Hotel property.

SEC. 10. *Be it further enacted*, That said company shall have the right to purchase other real or personal property, as they deem proper, for the use of the company; and the same, from time to time, to sell, exchange, mortgage, lease, or otherwise dispose of, as they may see fit. Same

SEC. 11. *Be it further enacted*, That said Montvale Springs Company shall have power to appoint such officers, and adopt such by-laws, rules and regulations, and from time to time, change and alter the same, as they may deem proper and necessary for the conducting of the business. Officers, By-Laws.

SEC. 12. *Be it further enacted*, That the capital stock of said company shall be in shares of one hundred dollars each, and shall be transferable on the books of the company, in such manner only as the Directors of the company may prescribe; and that the Secretary of the company issue scrip, or stock certificates to the stockholders, for their stock, and shall enter the same on the books of the company, with the date when issued. Capital Stock.

SEC. 13. *Be it further enacted*, That the stockholders shall hold annual meetings of the company; the time for such meetings to be fixed by the by-laws; at which meetings they shall elect five Directors to manage the business of the company; and at all such meetings, an election shall be held for President, Secretary and Treasurer of the company; and all such elections shall be made by a majority of the votes, each share of one hundred dollars being one vote; and such officers shall hold their offices for one year, or until their successors are elected. Annual meetings.

SEC. 14. *Be it further enacted*, That all laws, or parts of laws, militating against this Act, be, and the same are hereby, repealed.

SEC. 15. *Be it further enacted*, That the Act, entitled "An Act to incorporate the Middle Bridge Company, of Clarksville, Tennessee," passed the 16th day of December, 1867, be, and the same is hereby, so amended as to authorize and empower the said company to organize, by the election of permanent officers for said company, as soon as ten thousand dollars of *bona fide* subscriptions of stock, by solvent and responsible persons, shall have been taken; and said company shall have the period of five years, within which to complete said Bridge. Middle Bridge Co. of Clarksville.

SEC. 16. *Be it further enacted*, That the President and Directors of the said company, are hereby authorized and empowered to issue coupon bonds, of the denomination of two hundred and fifty dollars each, with interest May issue Bonds.

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payable semi-annually, to the amount of twenty-five thousand dollars; and said bonds shall be payable in ten years from date of issuance; to be used in the construction of said bridge and the approaches thereto, and in opening and improving roads and streets leading to said bridge. And when said bonds are signed by the President and Secretary of said company, and issued by order of the Board of Directors, for the purposes aforesaid, the said bonds are hereby declared a lien upon all the property and effects and franchises of the Middle Bridge Company.

How to be used, etc.

SEC. 17. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 4, 1868.

CHAPTER LXXIX.

AN ACT Incorporating the Winan High School at Knoxville, Tennessee; and for other purposes.

WHEREAS, Sundry citizens of Tennessee, have purchased suitable grounds in Knoxville, Tenn., and erected thereon, a building, for the purpose of religious worship, and of conducting therein a first-class High School, for males and females, which High School is to be under the government and control of the Winan High School League, at Knoxville—an auxiliary league to the Garnett League of Harrisburg, Penn., subject to such rules and restrictions as are herein set forth; *and whereas*, the security of society, the supremacy of the laws, and the preservation of our civil and religious liberties—the perpetuation of our institutions, and of the Union, are materially dependant upon the intelligence and virtue of the people; *and, whereas*, it is greatly to the interest of the State, to encourage the erection of schools and colleges, for the dissemination of knowledge and education; Therefore,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a corporation is hereby

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constituted and established, under the name and style of the "Winan High School;" and in that name, capable of suing and being sued, pleading and being impleaded, and of buying, holding, improving, disposing of, governing and protecting suitable grounds and buildings, for higher educational purposes, in, or near the town of Knoxville, Knox County, State of Tennessee; and, also, capable of collecting gifts, grants or bequests, made to the purposes of education in said institution. Rights and privileges.

SEC. 2. *Be it further enacted*, That A. E. Anderson, John Dogan, J. B. Young, Henderson Alexander, F. Shade, and Henry Gueron, and their successors in office, shall constitute the aforesaid corporation, and have succession for thirty years; and they shall have power to create, by receiving gifts, grants, or bequests, and to preserve a fund, or funds, to an amount not exceeding one hundred thousand dollars, for the endowment and maintenance of said Winan High School; fix the course of studies for pupils, and engage or discharge professors or teachers. Corporators. Powers.

SEC. 3. *Be it further enacted*, That said Trustees, when called together by the first above named Trustees, and their successors, from year to year, thereafter, shall organize, by electing a President, Secretary, and Treasurer, out of their own body; and they may adopt a corporate seal, and such by-laws and regulations, as they find necessary, provided they are not inconsistent with the Constitution of the State of Tennessee, and of the United States, nor with the special objects of this Act; *Provided, also*, that not less than a majority shall constitute a quorum for the transaction of business, at meetings of the board. Election, By-Laws, etc.

SEC. 4. *Be it further enacted*, That the above-named Trustees may add to their number, other persons; but that, in no case, the number of Trustees shall exceed fifteen.

SEC. 5. *Be it further enacted*, That the above-named Trustees, shall have succession as follows: Their term of office shall commence at the date of the passage of this Act, and continue until the 1st day of January, 1870, when the members of the Winan High School League, shall proceed to elect another board, or re-elect the old board. In the case of vacancy by death, or resignation, the President of the Board of Trustees, shall call the board together, and fill the vacancy, by electing one of the members of the Winan High School League. Term of office. Vacancies.

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Union High School of Gallatin.

SEC. 6. *Be it further enacted*, That a corporation is hereby constituted and established, under the name and style of the "Union High School of Gallatin," in the County of Sumner, with J. H. Needles, James Peacock, J. H. Rees, H. C. McQuiddy, James F. Lauck and T. McKinley, and their successors in office, as incorporators; and that all the provisions of this Act, are hereby extended to said incorporation.

Shady Grove Academy.

SEC. 7. *Be it further enacted*, That J. H. Barbee, J. M. Deen, W. R. Eddings, H. J. Hildebran, and G. W. Walker, their associates and successors, be, and they are hereby, incorporated, under the name and style of "Shady Grove Academy," in the Third Civil District of Robertson County; and by that name, may sue and be sued, plead and be impleaded, in any of the courts of this State, have and use a common seal, and change the same at pleasure; and have succession for thirty-three years; and shall have all the rights, titles, privileges, and powers of similar institutions of learning in this State.

Tullahoma Male and Female Institute

SEC. 8. *Be it further enacted*, That G. Hammings, F. Hagan, S. J. McLemore, N. W. Carter, J. F. Thomas, Jo. B. Smith, and William Willeford, and their successors as hereafter provided, shall constitute a corporation for thirty years, to be known as the "Tullahoma Male and Female Institute," to be located in the town of Tullahoma, Tennessee.

Rights and powers.

SEC. 9. *Be it further enacted*, That said corporation shall be able and liable in law and equity, to sue and be sued, plead and be impleaded, to answer and be answered, and to defend and be defended, in all courts and places, as any other legally, and regularly constituted corporation; may have a common seal, may alter or change the same at pleasure; and also shall be able to take, by purchase, grant, or devise, or in any other manner; and to hold any real, personal or mixed estate whatever; *Provided, always*, the clear yearly value of the real estate shall not exceed the sum of thirty thousand dollars; *and, provided, also*, that the principal and interest of the whole fund, be used and applied for the use and promotion of education at the said Institute, and to no other purpose.

Provisos.

Funds.

SEC. 10. *Be it further enacted*, That said Trustees, and their successors in office, shall have full power and authority to collect and receive all funds that have in any way been contributed, or pledged, for the establishment, enlargement, maintenance or benefit of said Insti-

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tution, or for any of its purposes, and apply the same; and give, grant, bargain, sell or dispose of, all or any of said real, personal or mixed, estate, as to them may seem best for the interest of said institution.

Number of Trustees.

SEC. 11. *Be it further enacted*, That the number of Trustees shall, atno time, exceed nine, nor be less than three; if nine, five shall constitute a quorum; if seven, four shall constitute a quorum; if five, three shall constitute a quorum; if three, two shall constitute a quorum.

Powers of Trustees.

SEC. 12. *Be it further enacted*, That the Trustees and their successors in office, shall have full power and authority to direct, manage and control the funds of the institution, for the benefit of the same; to prescribe the course of study and the discipline to be observed in the institution.

Same.

SEC. 13. *Be it further enacted*, That the Trustees, and their successors in office, shall have power to select and elect, whenever a majority of them may think proper, a President of the institution, and such professor, or professors, tutor, or tutors, as they may consider necessary for the institution; and these, when elected, shall constitute a Faculty for the education and government of the students, under the restrictions hereinbefore and hereafter enacted.

Faculty may be removed, etc.

SEC. 14. *Be it further enacted*, That the Faculty, elected as prescribed in the thirteenth section of this Act, shall hold office during the pleasure of the Trustees; *Provided*, that no member of the Faculty shall be dismissed by the Trustees without just cause, previously stated to him, or her, in writing, and a full opportunity of a defense allowed to him, or her, before, at least a majority of the Board of Trustees, or any one of them. If complaint is made against the Faculty, to proceed at once to have the matter investigated, and if the charges be sufficient the Trustees shall have power to suspend any member of the Faculty until a full and impartial hearing is had, as above stated.

SEC. 15. *Be it further enacted*, That no member of the Faculty shall be eligible to the office of Trustee; except the President, who shall, by virtue of his office, be a member of the Board of Trustees.

Vacancies.

SEC. 16. *Be it further enacted*, That said Trustees shall, under the regulations of this Act, have power, upon the death, resignation or removal of one of its members, to supply the vacancy, by the election of some other person, who shall be a stockholder in said institution. They shall also have power, by a majority vote, to re-

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move, or make vacant, the seat of any member of the Board, for bad, or any want of good character.

Election of Trustees, etc.

SEC. 17. *Be it further enacted*, That the stockholders of said institution shall elect their Board of Trustees, as provided for, annually, which Board shall hold their office until their successors are duly elected and qualified; and that the so elected shall organize by electing, by ballot, one President, one Secretary, and one Treasurer. The Treasurer shall be required to give bond, with approved security, for such amount as shall be proper.

By-Laws, etc.

SEC. 18. *Be it further enacted*, That the said Trustees, and their successors in office, have power and authority to make all ordinances and by-laws, for the government of their institution, which they may deem expedient for carrying the design of the institution into effect; *Provided*, that none of the by-laws shall be in conflict, or inconsistent with, the Constitution and laws of the State, or of the United States.

Taxes.

SEC. 19. *Be it further enacted*, That all the property belonging to said institution, or which may hereafter belong to it, be, and is hereby, exempt from taxation.

Corum Hill Academy.

SEC. 20. *Be it further enacted*, That James R. Young, Elihu N. Mitchener, Patrick S. Youree, Wm. C. Patterson, Jerry L. Bentley, Samuel M. Wilks, Jr., and Henry M. Hearne, and their successors in office, for the period of thirty-three years, be, and they are hereby, incorporated a body politic and corporate, by the name and style of the "Trustees of Corum Hill Academy," in the county of Sumner; and by that name shall sue and be sued, plead and be impleaded, have and use a common seal, and alter and change the same at pleasure. They shall have all the rights, powers, privileges and immunities, subject to the same restrictions and liabilities, as granted to similar institutions of learning in this State; and the provisions of this Act are hereby extended to said incorporation.

Widow and Orphan Fund Life Ins. Co.

SEC. 21. *Be it further enacted*, That section 6th of An Act incorporating King Solomon Lodge, I. O. B. A., amending charter of Widow and Orphan Fund Life Insurance Company, be, and the same is hereby, repealed.

Primitive Baptist Church Cemetery.

SEC. 22. *Be it further enacted*, That David Stephenson, Samuel Pate, E. S. Pate, and their associates, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Trustees of the Primitive Baptist Church Cemetery," in the 12th Civil District, Weakley County, Tennessee, with capacity to sue and be sued, plead and be impleaded, in any of the courts of law or equity in this State; to make and use a

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common seal; to make such by-laws, rules and regulations, for the government of said corporation, as may be necessary to carry out the object of this company; to buy, receive by gift, devise, or otherwise, real or personal property; and hold, sell, or dispose of the same for the use and benefit of said company. Same.

SEC. 23. *Be it further enacted*, That Salem Church shall have power to appoint two other persons to act as Trustees with those named above; and, when said Trustees or Board, is filled, they shall have power to elect a President, and such other officers as they may wish. Said Board shall also have power to fill all vacancies that may occur by death, resignation or otherwise, in said Board. Salem Church

SEC. 24. *Be it further enacted*, That said corporation shall be entitled to all the rights, privileges and benefits, conferred by the laws of this State upon other corporations of a similar character. Rights and privileges.

SEC. 25. *Be it further enacted*, That An Act passed on the 13th of February, 1868, incorporating the "Masonic Orphans' Home," be, and the same is hereby, so amended in the second line of the fifth section, as to read "exempt from." Masonic Orphans' Home.

SEC. 26. *Be it further enacted*, That G. B. Cate, W. L. Cate, A. J. Cate, Sam'l Juleon, Anderson Campbell, R. P. Juleon, and Wm. Prather, their associates and successors, are hereby constituted a body corporate and politic, under the name and style of the "Chatata Seminary," in the county of Bradley; and, as such, shall have and enjoy all the rights and privileges as now allowed to similar institutions in this State. Chatata Seminary.

SEC. 27. *Be it further enacted*, That the Trustees of said Seminary shall have the right to appoint one of their number to call upon, and receive from the Free Common School Commissioners, the County Superintendent, or such person or persons as may, by law, be authorized to pay out the Free School Fund, the *pro rata* due to any such children as may be entitled to the same, and desire to have it expended for their benefit in said Seminary. May use Free School moneys.

SEC. 28. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER.
Speaker of the Senate.

Passed March 5, 1868.

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CHAPTER LXXX.

AN ACT to Erect a Female College within fifteen miles of Memphis, Tennessee.

Corporators.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Wm. W. Coleman, Samuel H. Jones, George C. Holmes, A. Wesson, J. M. Coleman, W. H. White, Wm. Wallace, J. W. Younglove, F. S. Richards, and their successors and assigns, be, and are hereby, made a body corporate, for the purpose of erecting a Female College building within fifteen miles of Memphis, and in the State of Tennessee; managing, conducting, and endowing said educational institution.

Shelby Institution.

SEC. 2. *Be it further enacted*, That the hereby created corporation, shall be known as the "Shelby Institution," and as such, may sue and be sued, plead and be impleaded; and that the capital stock shall be one hundred thousand dollars, in shares of five dollars each.

Voting.

SEC. 3. *Be it further enacted*, That each holder of shares in the stock of said company, shall be entitled to one vote in all elections, for each five shares paid for and held by him; and that the Directors and stockholders may enact such by-laws and regulations as may be deemed desirable for the management of said Shelby Institute Company.

Meeting

SEC. 4. *Be it further enacted*, That the corporators heretofore mentioned, or a majority of them, or their successors, may convene at any time and place, after the passage of this Act, on giving ten days' notice in a Memphis newspaper, and elect a President and such other officers as may be necessary; they may then proceed to sell stock certificates of the face value of five dollars each, to be redeemed in such manner as may be directed, and agreed upon by the President and Directors of said company; the holders of said certificates, provided not

Stock Certificates.

enough of stock be sold within the space of two years from the first day of January, 1868, to secure the erection of a college building, worth, at least one hundred thousand dollars, shall be entitled to ninety per cent. of the amount advanced by each, as not more than ten per cent. of sums advanced to said corporation, shall be used in defraying any expenses, except for building purposes.

To deposit moneys, etc.

SEC. 5. *Be it further enacted*, That all sums of money, donations, shares, etc., paid or granted to Shelby Institute Company, shall be immediately deposited in one or

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more responsible banks, situated in the State of Tennesseee; and in the event of failure to sell one hundred thousand dollars' worth of shares, and to erect said college building in three years from the first of January, 1868, each certificate of a share shall be a check against said banks, holding said deposits, for its face value, less ten per cent. Failure to erect college.

SEC. 6. *Be it further enacted*, That said Shelby Institute Company may own real estate, not to exceed in value, the sum of one hundred thousand dollars, and may dispose of the same, in whole, or in part, in any manner deemed desirable, for the purposes heretofore mentioned. May hold real estate.

SEC. 7. *Be it further enacted*, That the "Baptist Female College," at Woodbury, shall hereafter, be known by the name of "Woodbury College." Woodbury College.

SEC. 8. *Be it further enacted*, That the number of Trustees shall be fifteen, who shall be elected biennially by the stockholders, voting by shares, twenty-five dollars being one share. Trustees.

SEC. 9. *Be it further enacted*, That no religious test shall be required, as a condition to admittance to any of the privileges of the institution; but it shall be the duty of the Trustees and the Faculty, to ignore all sectarianism in its management. All laws in conflict with this Act are hereby repealed. Sectarianism.

SEC. 10. *Be it further enacted*, That H. G. Blanton, R. N. Maine, J. H. Criddle, Samuel Pearson, G. W. Bowling, Joseph N. Wiseman, J. M. Bickley, W. T. Wakefield, Josiah Wells, David Larkin, William E. Baker, and R. C. Patrick, be, and they are hereby, created a body corporate and politic, under the name and style of "The Masonic Male and Female Institute of Salem, Franklin County, Tennessee;" with succession for fifty years; and by that name may sue and be sued, plead and be impleaded, in any court of law or justice in this State, or of the United States. Masonic Male and Female Inst. of Salem

SEC. 11. *Be it further enacted*, That the said corporation may obtain and hold by purchase or otherwise, any property, real or personal, and may dispose of the same, at pleasure, for the purposes of the Association, and not otherwise. Property.

SEC. 12. *Be it further enacted*, That the said corporation shall have power to enact by-laws for their own government, and the government of the institutions under their charge, and to create such offices as may be necessary; *Provided*, such by-laws are not inconsistent with the laws of this State, or of the United States; and By-Laws etc.

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may increase their membership to any number, in their discretion; vacancies to be filled by the majority of the members of the corporation.

Dissolution, etc.

SEC. 13. *Be it further enacted*, That this charter may, at any time, by any future legislation, be repealed or modified; *Provided*, that, if such corporation be dissolved, all its property, real and personal, shall remain, and vest in the association, or parties owning the same prior to the passage of this Act, and that the Masonic Temple already erected, and ones hereafter erected, together with the lands pertaining thereto, be, and are hereby, declared free of taxation, so long as used for the purposes herein specified.

SEC. 14. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 5, 1868.

CHAPTER LXXXI.

AN ACT to Amend the 47th Section of An Act passed May 24th, 1866, entitled "An Act to Incorporate the Tennessee & Pacific Railroad Company," &c.

Jonesboro' and Ready Creek Turnpike Co.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 47th section of An Act passed May 24th, 1866, entitled "An Act to incorporate the Tennessee & Pacific Railroad Company," and for other purposes, be so amended as to extend the Jonesboro' and Ready Creek Turnpike Road from Jonesboro' to Flag Pond, passing *via* Embreville Iron Works and Greasy Cove, and to terminate on the top of the dividing ridge, at the State line between North Carolina and Tennessee.

Additional Incorporators

SEC. 2. *Be it further enacted*, That the charter granted to the Jonesboro' and Ready Creek Turnpike Company, be, and the same is hereby, so amended as to give said company the following additional incorporators, viz: James A. Wells, Josiah Mahoney, Henry Walker, Eldridge Ensley, Thomas Clark, Henry Marth, Esq., John F. Grisham, Robert M. Young, Joseph Hill, Esq.,

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Isaac Garber, Samuel Keplinger, Calvin R. Jones, David May, William H. Beals, William Garland, William T. Irvin, John Lanymin, William Parks, Sr., William E. Tilsins, John C. Giltis, William Rice, Samuel Tinker, David P. Hensley, be, and they are hereby, appointed and constituted Commissioners to open books for the subscription of stock, for the purpose of constructing a turnpike road in Washington County, from Ready Creek Camp Ground, in Sullivan County, to the Flag Ponds, in Washington County, intersecting the North Carolina road, and terminating on the dividing ridge on the State line between Tennessee and North Carolina. Said road shall be surveyed and located on the nearest and most practicable route passing *via* Jonesboro. The aforesaid Commissioners shall receive subscriptions to the amount of ten (10) thousand dollars, for the construction of said turnpike road; and that the said sum of ten thousand dollars shall be divided into shares of twenty dollars each; and the subscription shall be made in person, or by an attorney, regularly authorized; but if a smaller sum be sufficient to build said road, then the capital may be reduced to any sum which may be sufficient for said purpose. Said Commissioners shall open books in Jonesboro', Washington County, on the first Monday in May next; and as soon as one thousand dollars are subscribed, a meeting of the stockholders shall be held at Jonesboro', in the county aforesaid, of which meeting the managers of the subscription shall give twenty days' notice, at four public places in said county; after which first meeting the stockholders shall be, and are hereby, constituted a body politic and corporate, by the name and style of the "Jonesboro' and Ready Creek Turnpike Company;" and, together with those who may afterwards subscribe for and purchase stock, shall be constituted; and may own, sell and buy, property; sue and be sued, in their corporate name and character; and possess all the rights, privileges and powers, appertaining to bodies corporate and politic, by law; and shall have succession for ninety-nine years. The subscribers, or a majority of them, being present at the first meeting, either [in] person or by proxy, shall elect seven Directors, who shall be stockholders, who shall elect one of their number President of the Board of Directors; and the President and Directors, thus chosen, shall continue in office two years, and until another election shall take place to fill their places, of which notice shall be given in at least four public places in said county.

Commissioners to open books for subscriptions, etc

Location of road.

Amount.

Meeting.

Powers.

Election.

SEC. 3. *Be it further enacted*, That said Directors shall have power to make contracts for the opening and constructing of said road; and may, from time to time,

Contracts

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call for such payments on the stock subscribed as the debts of the company may require; but no more than two dollars and fifty cents, on each share, shall be called for at any one time, of which twenty days' notice shall be given. Said President and Directors may also appoint a Clerk and Treasurer, and such other officers as may be necessary to transact all the business of said company; and prescribe the duties and fix the pay of its officers and agents.

Payments of Stock, etc.

SEC. 4. *Be it further enacted*, That any subscriber, as aforesaid, shall have the privilege to discharge the shares he may have subscribed in said road, in work and labor thereon—to be valued at the cash value, by three disinterested men, chosen jointly by the said subscribers and the President and Directors, if not agreed upon by said parties.

Work or Labor.

SEC. 5. *Be it further enacted*, That said road shall be made equal to a first-class road, according to the laws of Tennessee, at all places where the ground over which the road passes will admit of it to be done, and shall erect bridges and causeway, when necessary.

To be first-class road.

SEC. 6. *Be it further enacted*, That the aforesaid turnpike company shall be entitled to all the rights, privileges and immunities, that are now possessed and enjoyed by the Nashville, Murfreesboro' and Shelbyville Turnpike Company, in the erection of gates, and regulating the tollage along the entire line of road, when completed, according to the provisions of the charter; and the Directors shall have power to regulate the rates of toll to persons, on or near the line of said road.

Rights and privileges.

SEC. 7. *Be it further enacted*, That if any person or persons shall pass said gates arbitrarily, or within one-fourth of a mile for the purpose of evading the toll, such person or persons shall forfeit and pay for any such offense, to the company, the sum of five dollars—to be recovered by action of debt, before any Justice of the Peace having jurisdiction of the same, in this State.

Evasion of toll.

SEC. 8. *Be it further enacted*, That, whenever there are twelve miles of said road completed, said company shall have the privilege of erecting one toll-gate, and of requiring the payment of the toll as provided in section sixth of this Act, in proportion to the entire length of said road, and so on for each succeeding twelve miles.

Gates.

SEC. 9. *Be it further enacted*, That the aforesaid Commissioners shall be privileged to construct and erect a toll-bridge, or establish a ferry across Nolly Chucky river at the place of crossing with said turnpike road; and, when said bridge shall be completed, or ferry established, the company shall have power to fix the rate of toll, respectively; *Provided, however*, that the

Bridge of Ferry.

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rates so established shall not exceed the toll paid on similar bridges and ferries in this State.

SEC. 10. *Be it further enacted*, That if any person, or persons, over whose land said road may run, claim damages for the same, and he and the company cannot agree upon the amount, he may apply to the Circuit Court at its next, or any subsequent term, by petition, setting forth the nature of the case; and the court shall appoint a jury of five disinterested persons to go upon the ground, and, after being sworn by the Sheriff, assess the damages, which, in their judgment, the petitioner has sustained by said road running through his or her land, or through the land of his or her ward, in cases of minors; which assessment of damages shall be made out and signed by the jury, and returned to the next term of said court, and a judgment shall be entered, and execution issued for the same against the President and Directors, in favor of the person entitled to the same. In making out their report, the said jury shall take into consideration the advantage of such road to the petitioner. The property in said road, when completed, shall vest in said company, and their successors, for the purpose of a high-way, which shall be free for all persons, on terms and conditions herein prescribed, and the same shall not be liable to taxation.

Damages for appropriation of lands.

Property to vest in Co.

SEC. 11. *Be it further enacted*, That if any person shall refuse to pay the toll hereby granted, at the time of offering to pass, the toll-gatherer may lawfully refuse the passage of such person, or persons, or things subject to toll as aforesaid; or, if any article, or thing, liable to toll, shall, by any means, pass without payment, when demanded by the toll-gatherer, the company may, by warrant from any Justice of the Peace, recover from the owner, or person, or persons in possession of the article or subject of toll, five dollars for each offense.

Recovery for refusal to pay toll.

SEC. 12. *Be it further enacted*, That if said company shall fail to keep said road in good repair for the space of fifteen days, on information being given to any Justice of the Peace in the neighborhood, he shall issue his warrant to a Constable, commanding him to summon three freeholders to meet at a certain time, at the place complained of—reasonable previous notice having been given to the President or some of the Directors; and, if on the report of said freeholders on oath, it shall be found, in the presence of said Magistrate, that said road is out of repair, according to the meaning and intent of this Act, the toll hereby granted shall cease to be demanded until such defective part of said road be put in repair.

Failure to keep road in order.

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Washington County may take stock.

SEC. 13. *Be it further enacted*, That the County of Washington, by the consent of a majority of the members of the County Court of said county, setting as a court of the same, may take stock in said turnpike road on the same terms and conditions as hereinbefore provided for taking subscription, and shall be subject to the same rules and restrictions as other subscribers.

Indian Creek and Indian Grove Gap Turnp. Co.

SEC. 14. *Be it further enacted*, That Joseph Tucker, John W. Garland, William C. Parsons, Israel McInturff, A. W. Brown, George W. Nelson, and their successors in office, be and they are hereby, constituted a body politic and corporate, with all the rights and liabilities incident to corporations, under the name and style of the "Indian Creek and Indian Grove Gap Turnpike Company," for the purpose of constructing and grading a turnpike road, beginning at a point on Indian Creek, near the Indian Creeking meeting house, in Washington county, in civil district No. 7, and to intersect the North Carolina Turnpike road at the State line, in the Indian Grove Gap on the top of the Unaka mountain.

Rights and privileges.

SEC. 15. *Be it further enacted*, That the Company shall have all the rights, privileges and immunities of the Jonesboro' and Ready Creek Turnpike Company, and be subject to all the liabilities and restrictions.

Sneedsville, Russellville & Warrensburg Turnp. Co.

SEC. 16. *Be it further enacted*, That Joseph W. Baker, D. J. Reed, Thomas Berry, A. J. Livesy, William S. Bealy, Isaac W. Campbell, Samuel McCraw, Samuel Datson, Gabriel Etter, John W. Buly, James A. Bird, James K. Bird, John W. Cain, C. G. Kinney, Garrett Law, Jacob Haun, William Courtness, James L. Cain, James Nelson, Allen Baker, and Samuel Steel, and their successors in office, be, and they are hereby, constituted a body politic and corporate, with all the rights and liabilities incident to corporations, under the name and style of the "Sneedsville, Russellville and Warrensburg Turnpike Company;" for the purpose of constructing and grading a Turnpike road, beginning at Sneedsville, in Hancock County, to be surveyed and located the nearest and most practicable route, by the way of Mooresburg and Russellville, and terminating at Warrensburg, in Greene County.

Rights and privileges.

SEC. 17. *Be it further enacted*, That the Sneedsville, Russellville and Warrensburg Turnpike Company, shall have all the rights, privileges and immmunities of the Jonesboro' and Ready Creek Turnpike Company, and be subject to all the liabilities and restrictions of the same.

SEC. 18. *Be it further enacted*, Benjamin B. Furgu-

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son, H. H. Hawsly, David B. Bowers, Thomas Taylor, Esq., Wm. Frasier, David Peters, Alexander D. Frasier, Dr. J. P. Vanhuse, Col. John K. Miller, Chas. P. Faucray, and their successors in office, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Stony Creek and Watauga River Turnpike Company." Stony Creek & Waut. River Turnpike Co.

SEC. 19. *Be it further enacted*, That the said Stony Creek and Watauga River Turnpike, shall commence at, or above the John M. Smith Iron Works, or may extend to the Shady road, as the Commissioners may think best; thence running with Stony Creek valley, to the mouth of said creek; the place of crossing the Watauga River to be determined by the above Commissioners; thence to the town of Elizabethton. Route of road

SEC. 20. *Be it further enacted*, That the said Stony Creek and Watauga River Turnpike Company, shall be entitled to all the rights and privileges of the Jonesboro' and Ready Creek Turnpike Company, and subject to all the rules and restrictions of the same. Rights and privileges.

SEC. 21. *Be it further enacted*, That the citizens of Carter County shall be exempt from paying toll for passing over said road. Exempt.

SEC. 22. *Be it further enacted*, That the Knoxville & Kentucky Railroad Company, shall have all the rights, powers and privileges, granted by the various Acts of the General Assembly of the State, to the East Tennessee & Georgia, the East Tennessee & Virginia, and the Cincinnati & Cumberland Gap & Morristown Railroad Companies, and be subject to the same responsibilities; *Provided*, that nothing in this Act shall be so construed as to give or entitle the Knoxville & Kentucky Railroad Company to any additional State aid, or an additional loan from the State; *Provided*, that nothing herein contained, shall be so construed as to impair the obligations to the State. Knoxv. & Ky Railroad Co.

SEC. 23. *Be it further enacted*, That the Knoxville & Kentucky Railroad Company, be, and are hereby, authorized to issue first mortgage bonds of said company, in sums of five hundred dollars, or one thousand dollars, the whole amount not to exceed five hundred thousand dollars, for the purpose of building branch roads, and other purposes, bearing interest at the rate of six per cent. per annum, payable semi-annually, with coupons attached for the same; *Provided*, that the bonds hereby authorized, shall not have priority over any lien the State may now have, as indemity for bonds heretofore authorized to be issued to said Knoxville & Kentucky Railroad Company, by the State. May issue Bonds, etc.

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SEC. 24. *Be it further enacted*, That Jonathan Lawrence, Russell Thornburgh, George W. Dice, James M. Meek, Jacob Dick, Henry E. David, Andrew Brooks, Thomas Luthin, Jackson Yates, James H. Peck, Charles W. Smith, Pall Dyer, J. B. Davis, James H. Mitchell, W. B. Mitchell, and their successors in office, be, and they are hereby, constituted a body politic and corporate, with all the rights and liabilities incident to corporations, under the name and style of the "New Market, Mouth of Buffalo & Rutledge Turnpike Company," for the purpose of constructing, grading and McAdamizing a turnpike road from New Market, by way of the Mouth of Buffalo, to Rutledge, in Grainger County.

New Market, M. of B. & R. Turnpike Co.

SEC. 25. *Be it further enacted*, That should there remain any of the stock owned by the State of Tennessee, in the East Tennessee & Georgia Railroad Company, unappropriated, that out of said stock so unappropriated, the sum of thirty-four thousand dollars be, and the same is hereby, set apart, released and appropriated, to the said corporation hereinbefore created, in trust for the purpose of aiding in building said turnpike road.

State Stock transferred.

SEC. 26. *Be it further enacted*, That the New Market, Mouth of Buffalo & Rutledge Turnpike Company, shall be entitled to have and exercise, all the rights, privileges and immunities, and be subject to the like conditions, as provided in An Act entitled "An Act to incorporate the Tennessee & Pacific Railroad Company, and for other purposes," passed May 24th, 1866.

Rights and privileges.

SEC. 27. *Be it further enacted*, That James James, Massa Cochram, Joseph B. Churchman, W. M. Branner, S. S. Massingill, R. A. Williams, Maj. Nelson [Newman,] J. B. R. Mendenhall, B. M. Branner, and their associates in office, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Flat Gap & Rutledge Turnpike Company."

Flat Gap & Rut. Turn. Co.

SEC. 28. *Be it further enacted*, That the said Flat Gap & Rutledge Turnpike Road, shall commence at Flat Gap, in Jefferson County, passing by way of Mossy Creek Depot, Dyer's Ferry, in Grainger County, and terminating at Rutledge.

Route.

SEC. 29. *Be it further enacted*, That the said Flat Gap & Rutledge Turnpike Company, shall be entitled to all the rights and privileges of the Jonesboro' & Ready Creek Turnpike Company, and subject to all the rules and restrictions of the same.

Rights and privileges.

SEC. 30. *Be it further enacted*, That books for the subscription of the "Mineral Home Railroad Company," chartered by An Act passed December 14, 1867, entitled "An Act to amend the charter of the Atlantic, Tennessee & Ohio Railroad Company," shall be kept open by the

Mineral Home Railroad Co.

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first Board of Commissioners named in said Act, until the amount of stock required to form said company, shall have been subscribed; and any previous irregularity in this respect, is hereby legalized. And in the 10th section of said Act, all after the word "restrictions," shall be regarded as stricken out, and the following words shall be substituted in lieu thereof, viz: "Of said sections of said Act, as well as of all other Acts, or parts of Acts, hitherto passed in relation to said company, so far as the same can be made to apply to the company chartered by this Act." Also, in the 9th section of said Act, the number nine, shall be substituted for the number thirteen. Stock Books. Amended.

SEC. 31. *Be it further enacted*, That each share of stock in the Mineral Home Railroad Company, shall entitle the *bona fide* owner thereof, to one vote in all elections. Voting.

SEC. 32. *Be it further enacted*, That Dr. Nathaniel T. Knaus, C. C. Taylor, Jr., S. J. Williams, James Johnson, Sr., Thomas McInturff, William Phillips, Edmond McInturff, William Bowman, Rev. Spence Bowman, David Keener, Benj. F. Swingle, Solomon H. Jones, Hezekiah Burchfield, and their successors in office, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Buffalo Creek Turnpike Company." Buffalo Creek Turnpike Co.

SEC. 33. *Be it further enacted*, That the Buffalo Creek turnpike road shall commence at or near the election ground, on the waters of Rock Creek, in the Greasy Cove, in the county of Washington, passing near the old White's Iron Works, to Mrs. Rowe's, on the head waters of Buffalo Creek; thence, with said creek to the nearest point on the East Tennessee & Western North Carolina Railroad, in the County of Carter. Route of road

SEC. 34. *Be it further enacted*, That the Buffalo Creek Turnpike Company shall be entitled to all the rights, privileges, and immunities of the Jonesboro' and Ready Creek Turnpike Company, and subject to all the rules and restrictions of the same. Rights and privileges.

SEC. 35. *Be it further enacted*, That the citizens of the County of Carter, and of the Greasy Cove, of the County of Washington, shall be exempt from paying toll for passing over said Buffalo Creek Turnpike Road. Exempt.

SEC. 36. *Be it further enacted*, That the sum of fifteen thousand dollars, in the six per cent. coupon bonds of the State of Tennessee, be, and the same are, hereby, appropriated to the Rogersville and Little War Gap Turnpike Road; and that the Governor is, hereby authorized to issue said bonds to the legally authorized agent of said Rogersville & Lit. War Gap Turnp. Road.

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turnpike company, and the said bonds shall be applied to the building of said turnpike road.

Montgomery Huntsville & Elk Gap Turnpike Co.

SEC. 37. *Be it further enacted*, That John Phillips, David Jeffers, John Cross, Samuel F. Scott, John Hall, and A. H. Cross, be, and they are hereby, constituted a body politic and corporate, with all the rights and privileges, liabilities and restrictions incident to similar corporations, under the name and style of the "Montgomery, Huntsville & Elk Gap Turnpike Company," for the purpose of constructing a turnpike or stage road from Montgomery, in Morgan County, *via* Huntsville, in Scott County, the nearest and most practicable route, to the Knoxville & Kentucky Railroad, at or near the Elk Gap, in Campbell county.

Powers and privileges.

SEC. 38. *Be it further enacted*, That said company and their associates, by the name and style of the Montgomery, Huntsville & Elk Gap Turnpike Company, shall have succession for ninety-nine years; may sue and be sued, plead and be impleaded; and possess all the rights, privileges and powers, appertaining to bodies corporate and politic, by law; and all the rights and privileges granted to the Jonesboro' & Ready Creek Turnpike Company.

Governor to issue bonds, etc.

SEC. 39. *Be it further enacted*, That whenever said Montgomery, Huntsville & Elk Gap Turnpike Company, shall have been properly organized for the transaction of business, or commencement of work upon said road, the Governor is, hereby, authorized and instructed to issue the bonds of the State of Tennessee, to the amount of twenty-five thousand dollars, in six per cent. bonds, to the President of said company, for the purpose of building bridges upon said road, where the same may be found necessary, upon the same conditions that aid has heretofore been granted to other turnpike companies in this State; *Provided, however*, that the Montgomery, Huntsville & Elk Gap Turnpike Company, raise, within the present year, an amount sufficient, by good and solvent subscription, to complete the entire road; otherwise the bonds shall not be granted.

Knoxville, Sevierville, & Big Pigeon R. R. Co.

SEC. 40. *Be it further enacted*, That section 50, of An Act passed May 24, 1866, entitled "An Act to incorporate the Tennessee & Pacific Railroad Company, and for other purposes," be so amended, as to transfer the sum of thirty thousand dollars of the stock owned by the State of Tennessee in the East Tennessee & Georgia Railroad Company, appropriated to the French Broad Turnpike Company, to the Knoxville, Sevierville & Big Pigeon Railroad Company.

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SEC. 41. *Be it further enacted*, That sections 13 and 14, of An Act, passed March 9, 1867, entitled, "An Act to incorporate the Harrison, Selma & Cincinnati Railroad Company, and for other purposes," be so amended as to transfer the sum of ten thousand dollars of the stock owned by the State of Tennessee, in the East Tennessee & Georgia Railroad Company, appropriated to the Sevierville Turnpike Company, to the Knoxville, Sevierville & Big Pigeon Railroad Company. Same.

SEC. 42. *Be it further enacted*, That the charter of the Rogersville & Little War Gap Turnpike Company, be so amended as to give said company all the rights, powers, privileges, franchises, and immunities granted in the charter of the Jonesboro' & Ready Creek Turnpike Company. Rog. & Little War Gap Turnpike Co.

SEC. 43. *Be it further enacted*, That John A. McKinney, be, and he is hereby, appointed and constituted an additional Commissioner of said company.

SEC. 44. *Be it further enacted*, That said turnpike road shall be constructed in sections, of five miles each, in length, and the same shall be let out to the lowest responsible bidder or bidders, proposing to build or construct the same, under a written contract put in, in pursuance to a published notice of the letting out of said sections, theretofore made, at least twenty days before the opening of any bid or bids. Said bids shall be opened in the presence of the bidders, and the officers and Directors of the company, and awards made, as above indicated. The bidder, or bidders, who thus become contractor or contractors, shall give bond, payable to the said company, in double the amount bid by him or them, for the faithful discharge of his or their obligations, and the speedy completion of the work undertaken by him or them, as specified in said contracts. But, if said contracts be not complied with, the said company shall, at once, proceed against the delinquent party or parties, in any court having jurisdiction of the amount, to recover damages and protect the interests of the said company. How to be constructed. Contractors to give bond etc.

SEC. 45. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 5, 1868.

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CHAPTER LXXXII.

AN ACT to Incorporate the Working Men's Union and Independent Order of Friendship, of the State of Tennessee; and for other purposes.

Corporators.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. C. McDaniel, H. N. Cramer, Henry Aderhall, Henry Walfender, G. W. Turner, S. H. Robertson, G. M. Anthony, F. L. Miller, and such other persons as may be associated with them, and their successors in office, be, and they are hereby, constituted a body corporate and politic, by the name of the "Working Men's Union and Independent Order of Friendship, of the State of Tennessee;" and by that name shall have succession for thirty-three years; may have a common seal, sue and be sued, plead and be impleaded, in any court of law or equity.

Powers, etc.

May hold property, etc.

SEC. 2. *Be it further enacted*, That said body corporate, and their successors in office, by the name aforesaid, shall be empowered and capable in law, to purchase, receive, and hold to themselves and their successors, forever, any and all property, real and personal, which may be granted, given, or demised to them, for the use of said body politic; and to use and dispose of the same in such manner as to them shall seem most advantageous to carry out the object of said Union.

By-Laws, rules, etc.

SEC. 3. *Be it further enacted*, That the persons constituting the said Union, shall have power to elect such officers as are necessary for the organization of the said Union, and the transaction of its business; and may make such by-laws, rules and regulations for the government thereof, not in violation of the laws of this State, or of the United States, as they may deem needful or necessary.

Branch Unions.

SEC. 4. *Be it further enacted*, That the said body corporate shall have power to organize and establish branch Unions, or sub-Unions, in any part of this State, under such rules and regulations as it shall establish.

South-Western Land Agency.

SEC. 5. *Be it further enacted*, That Wm. R. Moore, J. M. Hill, Henry G. Smith, D. B. Mallay, John F. Watkins, and L. M. Walcot, their associates, successors and assigns, be, and they are hereby, created a body politic and corporate, under the name and style of the "South-Western Land Agency;" and by that name and style shall have succession for the full term of thirty years; and may contract and be contracted with, sue and be sued, plead and be impleaded in all the courts of law

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and equity; also, power to acquire, enjoy and possess estate, in fee or otherwise, real and personal: to lease, release, buy and sell, for themselves or for others, on commission or otherwise; acquire, or dispose of, any species of property; and generally to do any and all things that they may think necessary for the good of their company, except the privilege of banking; that they may, also, have and use a common seal; and they shall generally have all the powers incident to corpations. May hold property, etc.

SEC. 6. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, with the privilege of being increased to five hundred thousand dollars, and shall be divided into shares of the par value of fifty dollars each; and, when two hundred shares shall have been subscribed, and the sum of five dollars per share paid thereon, the stockholders may meet and elect five Directors, who shall enter at once upon their duties; and said Directors shall elect one of their number to be President, to act during their term of office. Capital stock. First election.

SEC. 7. *Be it further enacted*, That the President and Directors so chosen, shall have power to make and adopt all by laws that may be proper and necessary for their government; may appoint all necessary officers and agents, fix their compensation; and may prescribe the manner of paying in the stock. Said institution shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors. By-laws, officers, etc.

SEC. 8. *Be it further enacted*, That the President shall annually appoint the time and place of holding the election of their successors; and two or more of their members shall attend and conduct said election; each share being entitled to one vote. Annual election.

SEC. 9. *Be it further enacted*, That a majority of the incorporators may have power to act as Commissioners and open books for subscription of stock; and whenorganized, the Board of Directors shall be composed of not less than three nor more than ten stockholders. Subscription books.

SEC. 10. *Be it further enacted*, That no stockholder shall be liable to a greater amount than the stock he may hold or subscribe. Liability.

SEC. 11. *Be it further enacted*, That G. W. G. Payne, W. F. Prosser, Robert Love, and William J. Williams, and their associates, successors and assigns, be, and they are hereby, constituted a body corporate and politic, by the name and style of the "Tennessee Fish and Ice Pond Company;" and by that name and style, shall have succes- Tenn. Fish & Ice Pond Co.

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Powers, etc.

sion for thirty-three years, with power to contract and be contracted with; sue and be sued in that name, in all courts and places; to have a common seal; to engage in the breeding and raising of fish, and the transporting and selling, either within or without the State; and to have all the other powers needful and proper for the successful prosecution of their business, and for the execution of the powers herein granted.

Organization.

SEC. 12. *Be it further enacted*, That said corporation may organize said company, by the appointment of a President and such other officers and managers as they may deem necessary, at such time and place as they may designate by notice previously given; and when thus organized, the said company shall have power to make such by-laws, rules and regulations as they may deem necessary, from time to time, for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of the United States and of this State.

Capital Stock.

SEC. 13. *Be it further enacted*, That the capital stock of said company shall be twenty-five thousand dollars, and said company shall have power to increase the same from time to time, not exceeding one hundred thousand dollars.

Right of way, etc.

SEC 14. *Be it further enacted*, That the said company may buy, lease or rent, suitable lands or water privileges, and other property necessary for their business, with rights of way, &c., and may dispose of the same or any portion of it, by sale or otherwise. They may receive real estate, lease-holds, water privileges and rights of way, in payment of such parts of subscriptions as they may deem advisable. Said company may erect and build such dams, fixtures and buildings on their lands, and water privileges as may be deemed convenient and proper for carrying on and conducting the business of said corporation.

Charter expires.

SEC. 15. *Be it further enacted*, That this charter shall expire at the end of thirty-three years from its passage, and that the right to repeal, alter or amend this charter, is reserved to the General Assembly.

Tenn. State Mutual Fire Insurance Co

SEC. 16. *Be it further enacted*, That the charter of the Tennessee State Mutual Fire Insurance Company, passed February 11, 1867, be so amended that it may become a stock company as well as a mutual company.

Subscription Books.

SEC. 17. *Be it further enacted*, That Jesse W. Page, Jr., J. M. Keating, L. J. Dupree, J. C. Cole, and S. B. Beaumont, on such day as any four of them may designate, may open books for subscription to the capital stock of said company by giving ten days' notice of the

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time and place for the making of such subscription, in some newspaper, published in Memphis, Tennessee.

Organization.

SEC. 18. *Be it further enacted*, That when the sum of one hundred thousand dollars is subscribed in shares of one hundred dollars each, the said company may be organized by the election of a President and Directors, and other needful officers.

Rights, powers, etc.

SEC. 19. *Be it further enacted*, That the President and Directors of the corporation hereby created, shall have and exercise all the rights, powers, privileges and immunities already granted to the Tennessee State Mutual Fire Insurance Company; and in loaning to any person or corporation, whether a shareholder or not, any money it may hold belonging to itself or others, the corporation hereby created, shall be restricted to such rates of interest as are now, or hereafter may be, established by law.

Name.

SEC. 20. *Be it further enacted*, That the corporation hereby created, shall be distinguished from the Tennessee State Mutual Life Insurance, by the omission of the word *Mutual* in its designation; and no one stockholder shall own or represent more than twenty thousand dollars' worth of stock.

Capital Stock taxes, etc.

SEC. 21. *Be it further enacted*, That the capital stock may be limited by the Directors of the corporation, hereby created, to any sum, but shall not exceed three hundred thousand dollars, the same to be paid by shareholders in ten per cent. installments, as may be called for by said Board of Directors; *Provided*, that this corporation shall be subject to such taxes and general laws as the Legislature shall, from time to time, enact for the government of such corporations.

Southern Accidental Insurance Co.

SEC. 22. *Be it further enacted*, That Maurice S. Langhorn, Lucian Peyton, Wm. D. Miller, Charles M. Blackford, A. B. Rucker, G. W. Latham, John S. Flood, C. B. Winfree, and their associates, and assigns, are hereby incorporated, under the name and style of the "Southern Accidental Insurance Company;" and, as such, may sue and be sued, and shall exercise all the rights and privileges, and shall be under the same pains, liabilities and penalties, as other similar corporate bodies chartered by the Legislature of this State.

Sweet Water Express Co.

SEC. 23. *Be it further enacted*, That S. D. Reynolds and D. M. Nelson, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Sweet Water Express Company;" to have and use a common seal, to change their corporate name, to sue and be sued, to hold real estate for such purposes as they may deem proper for carrying on the business pertaining thereto.

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Common carriers.

SEC. 24. *Be it further enacted*, That said S. D. Reynolds and D. M. Nelson, be, and they are hereby, authorized, under the above corporate authority, to become common carriers in the transportation of goods, wares, and merchandise, and all valuables pertaining to common express business.

Rights and privileges.

SEC. 25. *Be it further enacted*, That said S. D. Reynolds and D. M. Nelson, or their assigns, shall be entitled to all express business offered to them under the same rules, regulations and restrictions, as are now required of all other express companies in this State; and shall have succession for ninety-nine years; and that, from and after the passage of this Act, all the railroad companies in this State shall be compelled to give to the above corporators, their partners, or assigns, the same facilities as they now render to other express companies in this State.

Jefferson Mining and Manf'g Co.

SEC. 26. *Be it further enacted*, That J. G. Fellers, David Rogan, P. P. C. Nelson, Dr. N. F. Krous, C. C. Taylor, Jr., David B. Jenkins, J. W. Thornburgh, D. G. Thornburgh, Joseph Eckel, Isaac A. Taylor, Daniel Rogan, R. A. Williams, John R. Branner, B. M. Branner, S. S. Massengill, their successors, and assigns, be, and they are hereby, constituted and declared a body corporate and politic, by, and under the name and style of the "Jefferson Mining and Manufacturing Company," for all purposes of mining coal, iron oar, and other minerals, boaring for salt, coal oil, or petroleum, and manufacturing the same into any and all such forms, for all such uses and purposes, as the said company may deem to their advantage; and doing all things properly connected therewith; of manufacturing and constructing of all articles and things out of wood, iron, and other materials; manufacturing out of oak-bark, the astringent or tanning properties of the same, into a liquid; to erect factories for spinning wool and cotton, and making woolen and cotton cloth, in any and every form; transporting, selling, or otherwise disposing of the products of said several kinds of business; and doing all things properly belonging to or connected with the said transportation, sale, and other disposition of the products of the said several kinds of business; and for such purposes the said company is hereby authorized and empowered to have, receive, purchase, possess, enjoy and retain, lands, rents, goods, chattels, and effects of any kind, and to any amount necessary to carry into effect the objects of the corporation; and the same to use, sell, alien, and dispose of at pleasure; contract and be contracted with, sue and be sued, defend and be defend-

Rights, powers and privileges.

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ed in all courts and tribunals having proper jurisdiction; to have and use a common seal, the same to alter, break or renew at pleasure, to ordain and establish such rules, regulations and by-laws, as may be necessary for the well-being of said corporation. Same.

SEC. 27. *Be it further enacted*, That the capital stock of said company shall not exceed ($500,000) five hundred thousand dollars, to be divided into shares of ($25) twenty-five dollars. Capital Stock

SEC. 28. *Be it further enacted*, That the persons named in the first section of this Act, or in case they shall not all choose to serve, then, any number of them, not less than three, be commissioned to receive subscriptions of stock, and do and suffer to be done, all acts and things necessary to organize the company; and are hereby authorized and empowered, to cause books to be opened, at such times and places as a majority of those acting, may think proper, to receive subscriptions to the capital stock of said company. Subscription Books.

SEC. 29. *Be it further enacted*, That when two hundred shares of the capital stock shall have been subscribed, the corporation shall commence its business; and a majority of the commissioners acting, shall call a meeting of the subscribers, by causing notice of time and place of said meeting to be published, in at least one newspaper of general circulation in each and every one of the places where the books shall have been opened and the stock subscribed, at least ten (10) days next preceding such time of meeting; and on such notice having been given, the stockholders shall meet at the time and place, and elect five Directors, and adopt such rules, by-laws, and regulations for the government of the corporation, its business and concerns, as shall be lawful and expedient; *Provided*, said by-laws shall not conflict with the Constitution of the United States and this State. The stockholders shall vote in person or by proxy, and each share of stock shall be entitled to one vote; said by-laws and regulations may from time to time, be altered, changed and amended, in such manner, and by such authority as may be, by the said by-laws, prescribed Organization First meeting election, etc.

SEC. 30. *Be it further enacted*, That the real and personal estate, funds, business, finances, and all other affairs and concerns of the said company, shall be managed, directed, and controlled by seven (7) Directors, one of whom, shall be then elected President; said Directors, after the first election provided for in section fourth, shall be elected, in such manner, at such times, Affairs, how managed, etc.

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and for such term, and have such qualifications, as may be, by the by-laws prescribed; but it is hereby *provided*, that every Director shall be a stockholder at the time of his election, and shall cease to be a Director when he ceases to be a stockholder; and that they shall hold their office until their successors shall be elected, qualified, and entered upon the performance of their duties.

Future elections, etc.

Special meetings.

SEC. 31. *Be it further enacted*, That said Board of Directors is, hereby, vested with power to call special meetings of the stockholders.

Taxes, etc.

SEC. 32. *Be it further enacted*, That said corporation shall have succession for thirty years; and shall be subject to such taxes as are imposed on similar corporations in this State.

SEC. 33. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 6, 1868.

CHAPTER LXXXIII.

AN ACT to Incorporate the Knoxville, Sevierville and Big Pigeon Railroad Company.

Rights and powers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the formation of a company is hereby authorized, which, when formed, shall be a body corporate, by the name and style of the "Knoxville, Sevierville and Big Pigeon Railroad Company;" and by such, may sue and be sued, buy, hold, receive by gift or otherwise, real and personal property, make contracts; make all necessary by-laws, and do all other lawful acts which may be necessary for the business of the corporation hereby created; and to have and use a common seal, and to destroy or alter the same at will and pleasure.

Commissioners.

SEC. 2. *Be it further enacted*, That D. F. Dearman, C. W. Jones, John Jones and James White, of the County of Knox; and Harvey Keener, Dr. J. C. Ellis, W. C. Murphy, D. T. Gass, W. H. Trotter, Jesse Stafford, Charles Truman, S. O. Dickey and Branson Fox, of the

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County of Sevier; and A. J. Webb, William Hill, of the County of Jefferson, be, and they are hereby, appointed Commissioners to open books for the subscription of capital stock of said company, to be received in shares of twenty-five dollars; and as soon as there shall be the sum of fifty thousand dollars or upwards, of stock subscribed, said company shall be formed; and said company shall have the right to increase its capital to the sum of one million of dollars, or to a sum sufficient to finish and conduct the business of the railroad hereinafter mentioned and described. To open books etc.

SEC. 3. *Be it further enacted*, That said Commissioners, or any of them, so soon as there shall be the sum of fifty thousand dollars subscribed, shall give notice to the stockholders of a time and place of meeting; and said stockholders, shall elect a Board of ten Directors, one of whom said Board shall appoint President, and which said Board shall manage and conduct the business of the railroad hereinafter mentioned; and in case of the death, resignation or removal of any one or more of the Directors, the remainder of said Board shall have the power to appoint a Director or Directors to fill such vacancy until the next election; and such Directors shall hold their office until their successors shall be elected and qualified. And the stockholders shall hold an election every year, at such place and time as may be designated by the stockholders, for the purpose of electing the Board of Directors, any eight of whom shall constitute a quorum to do business; and each Director, before entering upon his duty as such, shall take an oath that he will faithfully discharge the duties of his office to the best of his skill and ability. First Meeting

Elections, etc.

SEC. 4. *Be it further enacted*, That the Board of Directors shall have the power to appoint all under officers to transact the business of said company, and to take such bonds as may be necessary to bind such officers to perform their respective duties. Under officers etc.

SEC. 5. *Be it further enacted*, That the business of said company, and the purposes of this Act, is the building and constructing and running of a Railroad from Knoxville, Tennessee, intersecting with the Knoxville & Charleston Railroad, at Knoxville or Rockford, on said Railroad, and running through the Boyd's Creek Valley, Sevier county, by Sevierville, and then through the most practicable route, to intersect the Cincinnati, Cumberland Gap & Charleston Railroad, at or near David Gorman's, on Big Pigeon, Cocke county, Tennessee; and the stockholders shall have the power to fix the precise locality of said Railroad, and to have the same surveyed and laid out, by and under their Board of Directors. Business and purposes.

Route of road etc.

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Right of way.

SEC. 6. *Be it further enacted*, That the right of way is hereby granted to said corporation; to have and to hold in fee, or otherwise, any lands, tenements or hereditaments which may be necessary to said road, for the purposes of said road, wherever; to erect all necessary buildings, or from and off of which to procure stone, timber, earth, gravel, or water; and wherever the right of way is not given or purchased, or for want of agreement or any other cause, the same cannot be purchased or otherwise procured from the owner or owners of the same, may be taken at a valuation, to be ascertained in the way and with the same rights, conditions and liabilities, pointed out and conferred in the charter of the East Tennessee & Virginia Railroad Company; and the same mode of redress is hereby conferred and adopted.

Valuation.

When to commence, etc.

SEC. 7. *Be it further enacted*, That so soon as said company shall have funds sufficient to grade ten miles of said road, the construction thereof may be commenced. And said company may receive subscriptions to be paid in the grading of said road, or in any produce or other things which may be necessary in the building of said railroad.

How counties may take stock.

SEC. 8. *Be it further enacted*, That the counties of Knox, Sevier, Jefferson, Cocke, or any other county, may take stock in said road, in the following manner, to-wit: The amount of stock for any county to take, shall be proposed to the County Court at its quarterly session, and the vote of the Justices holding such court, shall be taken; and if a majority vote for the taking of the stock, a record thereof shall be made, and an order that the amount of stock be taken; and for such stock, bonds of the denomination of one hundred dollars each, shall be issued and signed by the Chairman or Judge of the County Court, bearing interest at the rate of six per cent., payable annually, with coupons attached to said bonds for said interest; and said bonds shall run from ten to thirty years to maturity, as said court shall order; and when issued, shall be delivered to the said company, or its officers, to be used in the grading of said road; and only to be transferred and sold as hereinafter enacted; and said counties may take a money subscription, to be paid in such installments as the County Court of the county taking stock, may order.

May issue bonds.

Consolidation

SEC. 9. *Be it further enacted*, That said Knoxville, Sevierville & Big Pigeon Railroad Co., may consolidate or amalgamate, with the East Tennessee & Georgia Railroad Company, or with the Knoxville & Kentucky Railroad Company; and upon such consolidation, or amalgamation, all of the rights, benefits and privileges contained in this Act, shall be merged in the East Tennessee &

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Georgia Railroad Company, or the said Knoxville & Kentucky Railroad Company; and the same shall be consolidated under the name of that road with which the said Knoxville, Sevierville & Big Pigeon Railroad Company shall amalgamate. And on such consolidation, there shall be an agreement, regularly made and entered into in writing, a duplicate of which, shall be filed in the office of the Comptroller of this State. Same

SEC. 10. *Be it further enacted*, That, for the purposes of aiding in the completion of said road, there shall be appropriated, in the bonds of the State, to the amount of the sum of one hundred thousand dollars, to be applied in building and completing two bridges across Little Pigeon River, so soon as the contract for the grading of said road shall be let to said river, founded upon means of said company to complete the grading of said road that far. And also, there shall be an amount of bonds of the State appropriated to said company, to iron and equip said road, not to exceed ten thousand dollars per mile, upon the terms and conditions hereinafter enacted; and upon such terms and conditions, the Governor of the State of Tennessee shall issue to said company, the said bonds, bearing interest at the rate of six per cent. per annum, payable annually, with coupons attached to said bonds therefor. State Bonds for Bridges & equipments.

SEC. 11. *Be it further enacted*, That the Governor shall issue said bonds to said company, for ironing and equipping said road, in the following manner, to-wit: As soon as a section of ten miles shall be graded, he shall issue the bonds to iron and equip that much of said road, not to exceed the sum of ten thousand dollars per mile; and said bonds shall not become due before thirty years, from the date of their issuance. On what conditions.

SEC. 12. *Be it further enacted*, That a lien be, and the same is hereby, created on the track of said road, and on all of the property, both real and personal, that said company may acquire, to secure the payment of said bonds, or the interest thereon which shall remain unpaid. And after the completion of said road, if the said company shall fail, neglect or refuse to pay the interest that may become due on said bonds, the Governor of the State is authorized to seize said road, and to take the tolls and all the profits of said road, for the payment of said interest; and when said bonds shall run to maturity, if the said company shall fail, neglect or refuse to pay the same, said road, and all the property of said company, may be sold for that purpose, under the lien hereby created. Lien. Govern'r may seize and sell.

SEC. 13. *Be it further enacted*, That John M. Bright, Elias Days, John Bennet, William Slatter, D. E. Da- Commission's

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venport and John Carry, their associates, successors and assigns, be, and they are hereby, constituted a body corporate and politic, by the name and style of the "South-Western & Alabama Railroad Company," for the purpose of constructing a railroad from the Eastern terminus of the Winchester & Alabama Railroad, at Decherd, to some point on the line of the McMinnville & Manchester Railroad, East or North of Manchester; and said company shall, by their name, have power to sue and be sued, plead and be impleaded, in all the courts of the State, or United States; have and enjoy, all the rights, privileges and immunities secured to the Nashville & Chattanooga Railroad by the charter of said company and the various Acts amendatory thereto; and subject to all of the restrictions contained in said charter; and entitled to all the benefits contained in said charter, and the Acts of the General Assembly alluding to said Nashville & Chattanooga Railroad.

Sou.-Western & Ala. Railr'd Company.

Rights and powers.

SEC. 14. *Be it further enacted*, That the capital stock of said company shall be two hundred thousand dollars, to be divided into shares of fifty ($50) dollars each; and books for subscription of stock in said railroad shall be opened on the first Monday in June, 1868, at the cities or towns of Fayetteville, in Lincoln; Winchester, in Franklin; Manchester, in Coffee, and McMinnville, in Warren Counties; and shall remain open for thirty days, or longer, as may be deemed necessary by the Commissioners herein named, and by parties appointed by said Commissioners or corporators; and the said Commissioners shall be fully authorized to direct the affairs of said company, until a Board of Directors shall have been elected, as provided by law.

Capital Stock

When & where to open books, etc.

SEC. 15. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 6, 1868.

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CHAPTER LXXXIV.

AN ACT for the Benefit of the Rogersville and Jefferson Railroad Company.

WHEREAS, By An Act passed by the General Assembly of the State of Tennessee, giving aid to various railroads in this State, a certain sum was loaned to the Rogersville and Jefferson Railroad Company, for building a bridge across the Holston River, preparing and putting in good condition said road; *and, whereas*, a certain portion of said fund, equivalent to thirty (30) bonds has been attached in New York, and consequently withheld from the use of said road; *and, whereas*, said road needs said sum to cover the bridge to prevent its decay; also, there is work needed upon the road-bed to make it safe; Therefore, Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor be authorized to issue to C. J. McKinney, the Receiver of said road, the sum of thirty thousand dollars in the bonds of the State of Tennessee; and that said Receiver be required, so soon as he can collect the sum now due the said road in New York, to return said bonds, or their proceeds, to the proper officer of the State; *Provided*, that said railroad company, by its President and Directors, shall accept the provisions of this Act; *and, provided, also*, they shall accept the conditions and provisions of Section 15, of An Act passed December 7, 1867, entitled "An Act to Amend the Internal Improvement Laws of the State, passed February 11, 1852;" *and, provided further*, that in the event the company shall accept the provisions of this Act, and authorize the Receiver appointed by the Governor, to receive the bonds so appropriated by this Act, then said Receiver shall give a good and sufficient bond, for fifty ($50,000) thousand dollars, conditioned to reimburse the State against any loss which may accrue against the State in consequence of the issuance of said bonds. Gov'r. to issue Bonds to Receiver. Provisos. Receiver to give bond.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 7, 1868.

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CHAPTER LXXXV.

AN ACT to Compel Voters to Register in their Respective Wards, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 42 of the city charter of the city of Memphis, be amended to read: At least sixty days before any regular election for city officers, the Commissioner of Registration may appoint a suitable person in each ward to register the qualified voters under the franchise law, that have been registered by the Commissioner of Registration. Said person shall be known as Ward Register, who shall receive such *per diem* compensation as the Board of Aldermen may allow. He shall have an office in some suitable place in said ward; and shall open books for the registration of all persons allowed by existing laws, to vote in any municipal election, and who resides in said ward; and every voter in each ward, before offering to vote, shall cause himself to be registered in said books, and shall receive from the Register a certificate of his registration, which shall be numbered to correspond with the name and number on the books of the Register; and no person shall be suffered to vote at any municipal election who shall not have, and produce to the judges of election, his certificate, as aforesaid; and no voter shall be allowed to vote in any other ward than the one where he resides and is registered. The books shall be kept open until ten days before the election, when they shall be delivered to the Commissioner of Registration for safe keeping, who shall not allow them to be altered or amended, or removed from his possession, except as hereinafter provided: On the day of election the Commissioner of Registration shall deliver to the judges of election, in the different wards, the proper books of such wards; and, after the polls are closed, these books shall be returned by the judges to the Commissioner of Registration, to be kept by him for future use and reference. The judges of election shall not allow any one to vote who shall not have been duly registered, and who shall not produce a certificate thereof, which shall correspond with the entry in the Register's book. The judges of the election, and the Registers, shall, each, take an oath, before entering upon the discharge of their respective duties, to comply with the provisions of the law, as applicable to each; and

Ward Register.

Voters to have Certificates, etc.

When books to be closed, etc.

Oath, etc.

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any violation thereof, shall be considered felony, and subject the offender, on conviction, to a fine of not less than one hundred dollars, nor more than five hundred dollars, and imprisonment in the county jail not exceeding twelve months, or either, or both. The first, second, third, fourth, fifth, sixth, eighth and ninth wards of the city of Memphis shall be entitled to one additional voting-place in each ward, to be designated by the County Commissioner before the next election, if thought necessary.

Felony.

New voting places.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 9, 1868.

CHAPTER LXXXVI.

AN ACT to Repeal An Act passed June 9, 1865, for the Benefit of the Lebanon & Nashville Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 8, of An Act passed June 9, 1865, allowing the Lebanon & Nashville Turnpike Company, to charge and receive double toll, to remunerate said company for damages done by General Forest and command, during the late rebellion, by burning and destroying the bridges across Mill Creek and Stone River, be, and the same is, hereby, repealed.

Sec. 8, Act of June 9, 1865, repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 9, 1868.

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CHAPTER LXXXVII.

AN ACT to Incorporate the Clarksville & Waynesboro' Railroad Company.

Corporators.

Rights.

Object, and purposes.

Powers, privileges, etc.

Same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That S. B. Brown, J. Jay Buck, B. W. Carter, Geo. B. Harris, A. H. Ewing, T. Sleyden, W. A. Moody, J. W. Puckett, J. C. McMullen, John Posey, I. C. Loomis, Wm. M. Thompson, Wm T. Allen, Wm. G. Clagett, Thos. Cypert, R. J. Cypert, Jas. Haggard, W. H. Ferris, M. J. J. Cagle, W. B. Bell, C. C. Stribbling, and their associates and successors, under the name and style of the "Clarksville & Waynesboro' Railroad Company," are, hereby, declared to be a body corporate and politic, under the laws of Tennessee, with succession for ninety-nine years, and a common seal, with capacity to have, receive, and enjoy, to them and their successors, property and estate, of whatever nature and quality; and the same to alien, transfer, and dispose of so far as may be necessary to carry into effect the main object of this charter, which is hereby declared to be the construction, use, and maintenance of a railroad from Clarksville, Montgomery County, Tennessee, *via* or passing near the Contrary Ponds in Dickson County, to Waynesboro', in Wayne County, Tennessee; and with power to extend said Railroad to the Alabama line, in the direction of the Tennessee River, and Northward to the Kentucky line.

SEC. 2. *Be it further enacted*, That said company is, hereby, declared capable of making all contracts, sue and be sued, to make by-laws, to appoint officers and agents; and finally, to do all things which may be necessary to carry on the business and objects for which said corporation is created. The said company is vested with all the powers necessary, for the construction, repair and maintenance of said railroad, with as many tracks, depots, turn-outs, side tracks, landings, warehouses, workshops, and appurtenances, as they may find necessary; and is authorized to make all works whatever, which may be necessary for the proper completion, use and utility of said road, and use the same for profit; and make dividends among the stockholders; and to procure by purchase, gift, or release, or otherwise, such lands or other property, as may be necessary for the site of said railroad, or its construction and convenient use, or for

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the erection and use of depots, warehouses, landings, bridges, or other works connected therewith; and to make as many lateral roads, with appurtenances connected with the main stem, or branches as they may deem proper, not exceeding twenty-five miles from the main stem, or branches of said road. Same.

SEC. 3. *Be it further enacted*, That the capital stock of said road shall be one million dollars, or such other sum as may be necessary to complete the works, authorized by this charter; and the said company shall be authorized to open books for the subscription of shares of fifty dollars each, in the capital stock of said company, at such time and places, and for such lengths of time as may be deemed proper; and, that upon twenty-five thousand dollars having been subscribed as aforesaid, the Clarksville & Waynesboro' Railroad Company, shall be regarded as formed; and the subscribers to the stock shall form a body politic and corporate, in law, and by the name, and for the purpose aforesaid. Capital Stock. Books, formation, etc.

SEC. 4. *Be it further enacted*, That so soon as the company is formed as aforesaid, the affairs of said company shall be managed by a Board of Directors, to consist of nine, who shall be chosen by the stockholders from their own body; and a President of the company shall be elected by the Directors, from among their own number; and such other officers for said company may be elected, by said Directors as may be deemed necessary and proper; all which elections shall be held in such manner, and under such regulations as the company may prescribe. The Board of Directors may fill all vacancies, which may occur in it; and in the absence of any officer, may fill his place by *pro tem.* appointment. Election of Directors, etc

SEC. 5. *Be it further enacted*, That the right of way is hereby granted to said company to pass in and through the State of Tennessee with said road, branches and laterals, as aforesaid; and to use all lands, rocks, timber, earth and gravel, water or any other materials, which may be found on the routes selected, and which may belong to the State of Tennessee, and may be necessary for the use of said road; and also to appropriate and use all such lands and materials, being private property, as may be necessary for said road and its appurtenances; making just compensation for all private property used by contract with the parties or by arbitration with them; and when the parties cannot agree upon the compensation to be made by the company for the use of the road, depots, &c., then the value shall be ascertained in the same manner as is set forth in the charter of the New Orleans and Ohio Railroad, passed by An Act of this General Assembly. Right of way. May appropriate lands, etc.

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Banking.

SEC. 6. *Be it further enacted*, That said company is hereby prohibited from carrying on banking operations, but may effect insurance on lives and property transported on said road.

Payment of stock.

SEC. 7. *Be it further enacted*, That if any stockholders desire to pay their stock or any portion thereof, in work or labor, or in real estate, they shall have the right to do so, provided they will do such work or sell such real estate on such terms as shall be agreed upon by the President and Directors of said road.

State Bonds.

SEC. 8. *Be it further enacted*, That this railroad shall be entitled to a loan of State Bonds to the amount of ten thousand dollars per mile, on the completion of the grading of one of more sections of twenty miles each, upon the terms of the Internal Improvement Act, passed February 11, 1852.

Same.

SEC. 9. *Be it further enacted*, That the Governor be authorized to issue or cause to be issued, of the Bonds of this State, to the road aforesaid, fifty thousand dollars, upon the completion of the road from Clarksville to the intersection of said road with the Nashville & North-Western road; and on its completion to Waynesboro' an additional fifty thousand dollars, for the purchase of rolling stock, engines, workshops and depots; all upon the terms of the Internal Improvement Act, passed February 11, 1852.

SEC. 10. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 9, 1868.

CHAPTER LXXXVIII.

AN ACT to Appoint Additional Trustees for East Tennessee University.

Trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Wm. G. Brownlow, George Anderson, R. P. Eaton, J. R. Ludlow, Chas. J. McKin-

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ney, Samuel Milligan, Hugh L. M. Mynatt, S. J. W. Luckey, William Rule, S. H. Smith, and Luther Trowbridge, be, and are hereby, appointed additional Trustees of East Tennessee University.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 9, 1868.

CHAPTER LXXXIX.

AN ACT to Amend An Act, passed May 25, 1866, entitled "An Act for the benefit of the East Tennessee University."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of section 4, of said Act, as appropriates five thousand dollars, annually, for sustaining the School for the Deaf and Dumb at Knoxville, shall apply, also, to the School for the Blind, at Nashville. Appropriati'n for Blind School.

SEC. 2. *Be it further enacted*, That the Trustees of the Tennessee Blind School, are hereby authorized to expend such portion of said sum as they may deem necessary, for the payment of rent, purchase of furniture, school apparatus, and books in raised print, and for the establishment and continuance of the Musical and Work Departments of said school. How expen'd.

SEC. 3. *Be it further enacted*, That An Act, entitled "An Act to aid in the publication of books for the blind," passed March 23d, 1860, is hereby repealed. Repealed.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 10, 1868.

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CHAPTER XC.

AN ACT to Incorporate the Walden's Ridge Coal Company, of Hamilton County, Tennessee; and for other purposes.

Corporators.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John W. Jones, James Williams, Phillip Jones, David J. Miller, D. R. Griffith, Rees Rees, Thomas Joseph, Wm. Richards, D. E. Jones, D. J. Morgan, Thomas E. Parry, David J. Rees, John Jones, Thomas W. Price, John Winters, Enoch Harrel, D. J. Thomas and Thomas J. Jones, and their associates, are hereby created a body corporate, under the style and name of the "Walden's Ridge Coal Company," for the purpose of mining coal, iron, and other metals; and as such, may have ninety-nine years' succession; may sue and be sued; may contract and be contracted with; may have a common seal; may purchase and hold real or personal estate, and sell and dispose of the same at pleasure; or may lease and hold lands for the purpose of carrying on their coal and mining operations, with all the rights, powers and privileges necessary and proper for them, as an incorporated company; to mine, manufacture and transport their coal and manufactures as they may think proper.

Purposes and Powers.

Capital Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not be less than two thousand dollars, nor more than five hundred thousand dollars, to be divided into shares of one hundred dollars each.

How manag'd

SEC. 3. *Be it further enacted*, That the affairs of the company shall be managed by a Board of five Directors, to be elected by the stockholders, who shall hold their offices for one year, and until their successors shall be elected. The Directors shall elect one of their number President, and may appoint a Treasurer, Secretary, and such other officers or agents, and with such salaries, as they may deem necessary.

May constr'ct railroads, etc.

SEC. 4. *Be it further enacted*, That, for the purpose of enabling said company to mine and manufacture, with the facilities of railroad or water navigation, they shall have the power to make such roads and railroads, as they may deem necessary; with all the rights, powers and privileges, as are now granted to the Nashville & Chattanooga Railroad, so far as regards the right of way granted to said railroad; *Provided*, no State aid is to be granted for the construction of the same.

SEC. 5. *Be it further enacted*, That in all elections of stockholders, and at all general meetings, the stock-

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holders shall have one vote for every share, respectively held, and may vote either in person or by proxy. The stockholders may make all by-laws necessary for the regulation of the company, not inconsistent with existing laws. Voting.

SEC. 6. *Be it further enacted*, That if any stockholder shall fail to pay what may be due upon his stock, or any call that may be assessed on the same, the Directors may sue for the same, in action of debt, before any court having jurisdiction of the amount; or may declare the said shares forfeited to the company, by giving each delinquent stockholder thirty days' notice that such action shall be taken. Failure to pay stock.

SEC. 7. *Be it further enacted*, That this Act shall be in force from and after its passage, and shall be subject to all general laws passed by the General Assembly of the State of Tennessee, affecting corporations of like character. To take effect, etc.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 11, 1868.

CHAPTER XCI.

AN ACT to Incorporate the Carthage Bridge Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body politic and corporate is hereby constituted by the name and style of the "Carthage Bridge Company," for the purpose of constructing, maintaining and using a bridge across the Cumberland River, from any point in or near Carthage, in the County of Smith, to the opposite bank of said river; and by that name, may sue and be sued, plead and be impleaded, contract and be contracted with; answer and be answered unto, in any of the courts of law or equity in the State; may have a common seal, and the same to break or to alter and renew at pleasure; and to do all other acts which may be necessary to construct said bridge; and to manage, use and keep up the same; and said company shall have succession for thirty-three years. Purposes and powers.

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Capital stock, organization, etc.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, and may be increased, if necessary, to two hundred thousand dollars, to be made up of shares of twenty-five dollars each; and so soon as fifty thousand dollars of said stock are subscribed for, the stockholders may organize by the election from among themselves, of seven Directors, who shall select from their number, a President of the company; and said President of the company and Directors, may appoint such other officers and agents as may be deemed necessary, and in such manner as they may deem best.

Commissioners.

SEC. 3. *Be it further enacted*, That E. W. Tanner, William ———, T. McKinley, J. C. Saunders, James Calhoun, Tim. H. Williams, R. T. Vadeu, J. C. Dickens, J. R. James, Thomas Waters, W. H. DeWhit, and James B. Moore, be, and they are hereby, appointed and constituted a Board of Commissioners, any three or more of whom, may open books at such time and places as they may choose, to receive subscriptions for said capital stock; and may manage all the affairs of said company, until organized as aforesaid; and do and perform all other such acts as may be necessary to be done prior to the election of a President and Directors; and at all meetings of the stockholders, when a vote is to be taken, each stockholder shall have a vote for each share of stock subscribed and owned by him, and may vote by proxy or in person, under the rules of the company.

To open subscription books, etc.

May hold property, etc.

SEC. 4. *Be it further enacted*, That said company, when organized as aforesaid, may have or receive by gift or otherwise, any grounds or land necessary for the construction of any way of access to said bridge, on either side of said river; and may proceed to construct such bridge, and also such roads and approaches to it as may be deemed requisite and necessary; *Provided*, that said bridge shall not be so constructed as to obstruct the navigation of said river.

SEC. 5. *Be it further enacted*, That the Board of Directors shall have power to establish and change any by-laws they may think proper for the government of the company or its business, not inconsistent with the laws of this State or the United States.

Failure to pay stock, etc

SEC. 6. *Be it further enacted*, That the stock of said company shall be deemed personal property, and to be transferable on the books of the company in such manner as may be directed by the by-laws; and if any person, corporation, or body politic, subscribing for stock, fail to pay the same in such calls as the President and Directors may order, the company may sue for and recover the same, of such delinquent stockholder in any court

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having jurisdiction over the matter, or the company may declare the stock forfeited, and sell it; and if it fail to sell for enough to pay the balance due thereon, the company may sue and recover the deficiency as aforesaid; and it shall not be lawful for any stockholder to transfer his stock until it is all paid in, unless by consent of the President and Directors. Same.

SEC. 7. *Be it further enacted*, That the subscribers for stock shall be required to pay the one-tenth of the amount subscribed by each of them, at the time of subscribing, and the balance of their subscription, from time to time, in such calls or investments as the Board of Commissioners or President and Directors, shall require, not exceeding one-fourth of such balance within any period of ninety days; *Provided*, that the Board of Commissioners, or President and Directors, shall have power to take and receive from any subscribers, payment in whole or in part of the subscription of stock of said company in any lands or real estate. The land or real estate so taken from any subscriber for stock, shall be conveyed and assigned by him to the company, by which they shall be held and used for the purposes of the said Carthage Bridge Company; *and provided, further*, that the Board of Commissioners or President and Directors, shall be authorized to accept from any subscriber payment in full in cash of his subscription, and also to take and recieve from the subscribers, their promissory notes for ninety per cent. of their subscriptions, payable at such times as may be agreed upon between them and the Board of Commissioners, or President and Directors. Payments. Conveyance of land, etc. Notes.

SEC. 8. *Be it further enacted*, That the officers of said company shall hold their offices for one year and until their successors are appointed, unless otherwise directed by the by-laws. Term of office.

SEC. 9. *Be it further enacted*, That said company shall begin the construction of said bridge within five years, and complete it within ten years from and after the passage of this Act, or this Act to be void and of no effect. Time to complete.

SEC. 10. *Be it further enacted*, That when said bridge shall have been completed and ready for travel and transportation along or across the same, the said company may erect a gate or gates across said bridge, and charge and receive tolls for crossing the same in the manner and for the sums following, to-wit: For each horse and rider, ten cents; for each additional, or led horse, five cents; for each horse or mule in drove, three cents; for each head of cattle in drove, three cents; for each head of hogs or sheep, in drove, two cents; for a wagon and two horses, mules, or oxen, twenty-five cents; for a wagon and three horses or mules, thirty cents; for Gates. Rates of Toll.

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a wagon and four horses, mules or oxen, forty cents; and for each additional horse, or other animal attached to a wagon, five cents; for a cart and one horse, mule or oxen, ten cents; for a cart and two horses, mules or oxen, fifteen cents; for a cart and three horses, mules or oxen, twenty cents; for a cart and four horses, mules andoxen, thirty cents; and for each additional animal, five cents; for a horse and sulky, five cents; for a four-wheeled two-horse pleasure carriage, thirty cents; for a four-wheeled, four-horse carriage, seventy-five cents; for a four-wheeled two-horse buggy, twenty-five cents; for a four-wheeled one-horse buggy, or pleasure carriage, twenty cents; for all other carriages and vehicles, ten cents for each animal drawing the same.

Same.

Co'ty Courts, etc., may take stock.

SEC. 11. *Be it further enacted*, That the County Courts of Smith, Putnam, Overton, Jackson, Wilson, Sumner, Macon and DeKalb, and the corporate authorities of the town of Carthage, may each, or either, become subscribers to the capital stock of said company; and the said County Courts, or town corporation, or either, shall have power and authority to sell and convert any stocks that they, or either of them, may have taken and subscribed, or may hereafter take and subscribe, in any railroad company under the laws now, or heretofore, existing, in this State, into stock in said Carthage Bridge Company; and the said County Courts and town corporation, shall, respectively, be stockholders to the extent of the stock so taken and subscribed by them in the company hereby incorporated, and subject to all the liabilities and restrictions, and entitled to all the rights and privileges as other stockholders.

Stockholders.

May buy or sell property.

SEC. 12. *Be it further enacted*, That said Charthage Bridge Company may hold in fee simple, any real or personal estate, may mortgage, transfer, or convey the same at pleasure, in the name of the Board of Commissioners, or President and Directors; the value of said real or personal estate to be named by said Board of Commissioners, or President and Directors.

Lear Medical Springs.

SEC. 13. *Be it further enacted*, That F. A. R. Scott, F. McClung, Dr. M. L. Rogers, and their associates and successors, be, and they are hereby, created a body politic and corporate, under the name and style of the "Lear Medical Springs Association;" and as such, shall have succession, make by-laws for their own government, purchase, hold and dispose of real or personal property, mine, manufacture, construct roads; and do generally all acts and deeds necessary to improve and beautify said medical springs, or the grounds about them; or improve and develop any lands now held, or that may be hereaf-

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ter purchased and held by them, with all the powers, rights and privileges necessary to carry out the designs and objects of the Association, not inconsistent with the laws of this State or of the United States.

Cumberland Cement Co.

SEC. 14. *Be it further enacted*, That Joshua Jones, Robert S. Stewart, and John G. Brazelton, or a majority of them, and such others as may be associated with them, be, and are hereby, created a body politic and corporate, under the name and style of the "Cumberland Cement Company;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded in any court of law and equity in this State. Said incorporators may have and use a common seal, and alter the same at discretion; ordain and establish such by-laws, from time to time, as may be deemed necessary and expedient; and generally have, exercise and enjoy all the rights, powers and privileges of corporations, as defined by the laws of the land, and as fully as can be granted by the legislative authority of this State.

Rights and powers.

Purposes and objects.

SEC. 15. *Be it further enacted*, That the objects of this corporation shall be the quarrying, mining, burning and grinding of any metal, mineral or rock; and the making of hydraulic lime, or cement, or any product of the earth; to prepare for market and sell the same, and to make barrels for the same; and to this end it is authorized to acquire by purchase, lease, devise, gift, or as stock subscriptions, either in fee simple or for a term of years, land, lots, houses, or any other species of real, personal or mixed estate, which may be, or become necessary, to carry on the business; *Provided*, the real estate shall not exceed five thousand acres in amount. It shall, also, be authorized to erect all buildings, machinery, warehouses and other appurtenances that may be deemed appropriate to the interest or convenience of the business of the enterprise.

Proviso.

Capital stock.

SEC. 16. *Be it further enacted*, That the capital stock of said company or incorporation, may be ten thousand shares, of one hundred dollars each, which may be subscribed either by individuals or corporations, or both; and may, in the discretion of the Commissioners herein named as the Board of Directors, when duly organized, be in money, lands, town lots, the stock or shares of other corporations. The said shares shall be transferable only on the books of the company.

How managed.

SEC. 17. *Be it further enacted*, That the affairs and business of said company shall be managed by five Directors, one of whom shall be President, who shall be elected annually, and hold thier offices until their suc-

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cessors shall have been elected and enter upon their duties. The Directors shall be elected by the stockholders; and each stockholder, whether an individual or a corporation, shall be entitled to one vote for each share of stock in any election; and said stockholders may vote either in person or by proxy. The Directors shall have power to appoint superintendents, a Secretary and Treasurer, and such other officers, agents and servants, as they may think proper, and to determine their respective duties, and the time for which they may hold their offices or appointments.

Elections and appointments.

SEC. 18. *Be it further enacted*, That the incorporators herein named, or a majority of them, shall constitute a Board of Commissioners to organize said company; and may proceed to establish all necessary by-laws and regulations, not inconsistent with this Act of incorporation; and said company shall be deemed organized, perfected and completed, ready for business, when one hundred shares of stock have been subscribed, as herein provided. The said company may be organized at any time within ten years from the passage of this Act.

Organization.

WHEREAS, During the recent war, the United States Government established in the city of Chattanooga, water works for supplying water to be used for army purposes, and laid pipes through the principal streets of said city; *and, whereas*, Thomas W. Yaraley, Charles E. Lewis, R. E. McEwen and their associates, purchased the pipes, tanks, machinery and improvements from the United States Government, for the purpose of supplying water to the inhabitants of the city of Chattanooga; Therefore,

Preamble.

SEC. 19. *Be it further enacted*, That Thomas J. Carlile, Robert R. Byard, R. E. McEwen, their associates and successors, be, and they are hereby, incorporated a body corporate and politic, under the name and style of the "Chattanooga Water Company;" and by that name and style, shall have succession for ninety-nine years; and in that name, sue and be sued, plead and be impleaded in all the courts of law and equity in this State, purchase, hold and convey personal property and real estate, have and use a common seal, and the same to alter or change at pleasure, and all other powers necessary to enable them to carry out the objects of said corporation.

Chattanooga Water Company.

SEC. 20. *Be it further enacted*, That the stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each.

Capital Stock.

SEC. 21. *Be it further enacted*, That as soon as twenty thousand dollars of the stock shall be subscribed, the

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above named corporators shall give at least ten days' notice in a newspaper, published in the City of Chattanooga, of the time and place for the subscribers to meet and hold an election for officers of said company. The stockholders shall select by ballot from among such of their number as may be residents of the City of Chattanooga, five Directors, to conduct the affairs of said company until the first Monday in May next ensuing; and in all elections, each stockholder shall be entitled to one vote for each share held by him; and the Directors shall appoint one of their number President of the Board, who shall sign all contracts, certificates of stock; and who, together with the Secretary, shall affix the corporate seal whenever it may be necessary to do so. Said President and Directors shall appoint a Secretary, who may also act as Treasurer of the company; and may have power to appoint such other officers and agents as may be necessary to carry out the objects of this corporation, and may be authorized to require of such officers or agents, bonds and security for the faithful performance of their duties; and the election for Directors thereafter, shall be held annually, on the first Monday in May in each and every year, at such place, within the city of Chattanooga, as may be appointed by the President and Directors, of which at least —— days' notice shall be given, in one or more newspapers, published in the city of Chattanooga; and when, by death, resignation or otherwise, vacancies shall occur among the President and Directors, the Directors shall supply them from among the stockholders, residing in the city of Chattanooga, until the next annual election; *Provided*, That no misnomer or failnre of election of officers on the day appointed, shall discontinue or dissolve said corporation, but the Directors and officers shall continue in office until a new election, which shall be made at such time and place, within said city of Chattanooga, and after such notice, as the President and Directors may prescribe.

First election for officers.

Appointments.

Annual election.

Proviso.

Sec. 22. *Be it further enacted*, That the President and Directors, or any four of them, shall have the power to adopt such by-laws, rules and regulations, for the management of the affairs of said company, as may be necessary and proper, as shall not be in conflict with the laws and Constitution of this State, or of the United States; *Provided*, that at any meeting of the stockholders, the stockholders have the power, by resolution, to repeal. alter or amend, any rule, by-law, or regulation, adopted by said President and Directors; *Provided, further*, that the President and Directors shall have power to call special meetings of the stockholders whenever, and on such notice as they deem necessary.

By-Laws, etc.

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SEC. 23. *Be it further enacted*, That the President and Directors shall have power, and are hereby authorized, to bring into the city of Chattanooga, a sufficient supply of water from the Tennessee river, or elsewhere in the county of Hamilton, by means of pipes or tanks, or in any other way; and to construct reservoirs for the reception thereof, and to connect the reservoirs with the pipes now laid in Chattanooga, and by such other pipes as they may deem proper for the purposes aforesaid.

Purposes and powers.

SEC. 24. *Be it further enacted*, That said President and Directors shall have the right to enter on and into any lands or enclosures with their engineers, artists, assistants and workmen, to lay out and locate the dams, tanks and reservoirs, and the route for said pipes or tanks; and after the same shall have been laid out and located to the satisfaction of the said President and Directors, they shall give notice to the owners of said lands (if they are known or can be found) on which the same has been so laid out and located, of the location thereof, and of the desire of the company to occupy and use the land and route so marked and laid out; and in case of any disagreement between said President and Directors, and the owners of said land, or in case the owners are unknown, the same may be appropriated for the use of said company as now provided by law for the condemnation of private land for public improvement.

May enter on private property.

Notice, etc., to owners.

SEC. 25. *Be it further enacted*, That the said company shall have the liberty and privilege to dig ditches or trenches, and to lay pipes or tanks in and along all public roads, highways and streets, and across any sidewalk of the city of Chattanooga, necessary for the purposes of said company; and to alter, repair and renew said pipes, tanks, ditches or trenches, as often as they may find necessary, closing and repairing any trenches they make as soon as possible.

May dig and lay pipes in streets.

SEC. 26. *Be it further enacted*, That said President and Directors are hereby authorized to supply with water, the inhabitants of the City of Chattanooga, and the environs thereof, and all who may be along the line of the company's pipes; and of erecting hydrants or fire plugs within said City of Chattanooga, and of contracting with the said inhabitants, with the City Council, or any incorporated companies, for the use of said water, within the limits aforesaid; and consumers shall be subject to all such rules and regulations respecting the use and waste of said water, as the said President and Directors may, from time to time, prescribe.

May furnish and regulate use of water.

SEC. 27. *Be it further enacted*, That the Secretary and Treasurer shall report to the President and Directors, or meeting of the stockholders, showing the financial

Sec'y and Treas. Report

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condition of said company, from time to time, and at such times as the President and Directors shall appoint. He shall collect all moneys due the company, and pay out the same by the order of the President and Directors. The books of the company shall be open to the inspection of any stockholder, at any time; and an exhibit of the financial condition of the company shall be made once in each year, or oftener, and in such manner as the President and Directors, or the stockholders, may direct. Books.

SEC. 28. *Be it further enacted*, That the President and Directors may make such contract with the owners of real estate, for the furnishing of water, as may be agreed on [by] the parties, and the same may be reduced to writing; and the said real estate shall be liable for the use of the same, reserving to said President and Directors the right to contract with lessees or tenants alone, if they see fit so to do. Contracts.

SEC. 29. *Be it further enacted*, That any person or persons, who shall take or use any of said water for domestic or other purposes, without having previously contracted for the same with the said President and Directors, shall forfeit and pay to said company, the sum of fifty dollars, to be recovered before any Justice of the Peace, in the same manner as other debts are now collected by law; *Provided*, that nothing herein contained, shall be construed to compel the inhabitants of said City of Chattanooga to use the water so introduced by said company, or to prevent them from using water obtained in any other way. Using water without permission.

SEC. 30. *Be it further enacted*, That any person or persons, who shall wilfully destroy or injure, in any manner, the pipes, acqueducts, tanks, dams, cisterns, reservoirs, hydrants, buildings or machinery of said company, erected in pursuance of this Act, or now erected, or shall wilfully corrupt, or permit any thing to run into, or fall into, any stream or reservoir from which the said company shall take water, to be introduced into the City of Chattanooga, which shall corrupt the same, or to render it unpalatable, unwholesome, or unfit for domestic or manufacturing use, or for the supplying of stationary or locomotive engines, or shall bathe in any dam or reservoir of said company, or throw, lead or enter any animal into the same, on being convicted thereof, before any Justice of the Peace of the County of Hamilton, shall pay a fine of not less than ten nor more than fifty dollars, one-half to the use of said company, and one-half to the use of the informer; and shall, moreover, remain liable to said company for all damages. Injuring machinery, or corrupting water.

SEC. 31. *Be it further enacted*, That the City Council of Chattanooga, be, and it is hereby, authorized to sub- City Council.

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scribe, on behalf of said city, and any other incorporated company having occasion to use the water that may be supplied by the Chattanooga Water Company, are hereby authorized to subscribe to the capital stock of said company, any number of shares each of them, respectively, may deem proper; in which event, said city and incorporated companies shall have the right to vote at the elections of said company, under the same provisions as individual subscribers or stockholders; and are hereby authorized to issue their bonds, payable at such times as they may deem proper, to such an amount as will produce enough of money to pay for the shares of stock they may each subscribe for, respectively; *Provided*, that no bond or certificate shall be issued of less denomination than one hundred dollars.

May take Stock.

Bonds.

SEC. 32. *Be it further enacted*, That said company is hereby authorized and empowered to borrow any sum or sums of money, not exceeding twenty-five thousand dollars, for the purpose of extending their works, or liquidating or funding any debts already contracted in extending the same; and to secure the amount so borrowed, may make and execute a mortgage or mortgages, pledge or pledges, of the property and effects of said company, or give such other evidences of debt as may be agreed on; or may issue the bonds of the company to that amount; *Provided*, that no bond, certificate or other evidence of indebtedness, shall be issued by said company, for less than one hundred dollars.

Comp'ny may borrow mon'y

Issue Bonds, etc.

SEC. 33. *Be it further enacted*, That the stockholders of said company shall be liable to the creditors of said company, for the amount due by them for stock subscribed and not paid, and no further; and that wages due to the employés of said company, to the extent of one hundred dollars each, shall be a lien on all the property of said company to that amount, superior to all other liens; and that the stockholders shall be personally and individually liable for all wages due to employés.

Liability of Stockholders.

SEC. 34. *Be it further enacted*, That the Legislature reserves the right to alter, amend or repeal the charter granted by this Act; and that this Act take effect from and after its passage.

Repeal, etc.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 11, 1868.

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CHAPTER XCII.

AN ACT to Incorporte West Point Lodge, and Establish a High School.

SECTION 1. *Be enacted by the General Assembly of the State of Tennessee,* That West Point Lodge No. 279, of Free and Accepted Masons, in the village of West Point, be, and the same is hereby, constituted a body politic and corporate, under the name and style of "West Point Lodge No. 279, of Free and Accepted Masons;" and shall have succession for thirty-three years; and may have a common seal; and, by the name aforesaid, shall establish a school at West Point, to be known and styled "West Point Masonic High School;" and shall donate the basement story of their hall in West Point for the use of said High School; and that A. J. McMackin, J. W. Welch, D. H. True, T. K. True, C. J. Herrin, W. M. Norman and Robert Wright, and their successors in office as Trustees, be, and the same are hereby, incorporated, under the name and style of "West Point High School;" and by that name may sue and be sued, plead and be impleaded, contract and be contracted with; pass all by-laws and ordinances necessary for the control and government of the said school; and to employ instructors, subject to the control of the Lodge. Trustees. Rights, etc.

SEC. 2. *Be it further enacted,* That the institution shall be governed by seven Trustees, a majority of whom shall constitute a quorum for the transaction of business; the first Board shall consist of the aforesaid parties; and all vacancies that may occur in their body shall be filled by the Lodge, and entered upon their minutes; said Board may elect from their own body, a President, Secretary, and Treasurer, who shall hold their offices during the time the Board may continue in office. How governed.

SEC. 3. *Be it further enacted,* That the said Board, consisting of the names aforesaid, shall continue in office until the first day of April, 1868, when the Lodge shall elect their successors; and shall thereafter elect a Board annually, at their regular meeting preceding the first Monday in March. Annual election.

SEC. 4. *Be it further enacted,* That said Board shall have power to employ school teachers and lecturers, fix the rates of tuition, prescribe the course of study, and Power of Trustees

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make necessary rules and regulations, not inconsistent with the laws of this State; confer, if they think proper, in conjunction with the teachers, such literary degrees and diplomas as is usual in such schools or academies.

Cumberland Cement Co.

SEC. 5. *Be it further enacted*, That Joshua Jones, Robert S. Stuart and John G. Brazleton, or a majority of them, and such others as may be associated with them, be, and are hereby, created a body politic and corporate, under the name and style of the "Cumberland Cement Company;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in any court of law or equity in this State. Said incorporation may have and use a common seal, and alter the same at discretion; ordain and establish such by-laws, from time to time, as may be deemed necessary and expedient, and generally have, exercise and enjoy, all the rights, powers and privileges of corporations, as defined by the laws of the land, and as fully as can be granted by the legislative authority of this State.

Rights and powers.

Purposes and objects.

SEC. 6. *Be it further enacted*, That the object of this corporation shall be the quarrying, mining, burning and grinding of any metal, mineral, or rock; and the making of hydraulic lime, or cement, or any product of the earth, to prepare for market and sell the same; and to make barrels for the same; and to this end it is authorized to acquire by purchase, lease, demise, gift, or as stock subscription, either in fee simple or for a term of years, lands, lots, houses, or any other species of real or personal, or mixed estate, which may be, or become, necessary to carry on the business; *Provided*, the real estate shall not exceed five thousand acres in amount. It shall, also, be authorized to erect all buildings, machinery, ware-houses, and other appurtenances that may be deemed appropriate or expedient to the interest or convenience of the business of the enterprise.

Proviso.

Capital stock.

SEC 7. *Be it further enacted*, That the capital stock of said company, or incorporation, may be ten thousand shares, of one hundred dollars each, which may be subscribed either by individuals or corporations, or both; and may be, in the discretion of the Commissioners herein named, or the Board of Diretors when duly organized, in money, lands, town lots, the stock or shares of other corporations. The said shares shall be transferable only on the books of the company.

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SEC. 8. *Be it further enacted*, That the affairs and business of said company shall be managed by five Directors, one of whom shall be President, who shall be elected annually, and hold their office until their successors shall have been elected and enter upon their duties. The Directors shall be elected by the stockholders, who, whether an individual or corporation, shall be entitled to one vote for each share of stock in every election; and said stockholders may vote either in person or by proxy. The Directors shall have power to appoint Superintendents, a Secretary and Treasurer, and such other officers, agents, and servants, as they may think proper, and to determine their respective duties, and the time for which they may hold their offices or appointments.

How managed.

Elections and appointments

SEC. 9. *Be it further enacted*, That the incorporators, herein named, or a majority of them, shall constitute a Board of Commissioners to organize said company, and may proceed to establish all necessary by-laws and regulations, not inconsistent with this Act of incoporation; and said company shall be deemed organized, perfected, and completely ready for business when one hundred shares of stock have been subscribed, as herein provided. The said company may be organized at any time within two years from the passage of this Act; and this Act shall take effect from and after its passage.

Organization.

SEC. 10. *Be it further enacted*, That Harrison Lodge No. 114, of F. and A. M., be, and they are hereby, created a body politic and corporate, under the name and style of "Harrison Lodge No. 114, of F. and A. M.;" and by that name shall have and exercise all the rights and privileges common to simlar incorporations; may purchase, hold and sell such real estate or personal property as may be necessary to carry out the objects of this incorporation, not to exceed ten thousand dollars in value; and have succession for twenty years.

Harrison Lodge, No. 114 F.&A.M.

SEC. 11. *Be it further enacted*, That that this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 12, 1868.

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CHAPTER XCIII.

AN ACT Granting Additional State Aid to the Cleveland & Ducktown Railroad Company.

$5,000 per mile.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the same additional State aid of ($5,000) five thousand dollars per mile, as granted to the Tennessee & Pacific Railroad Company, on the 7th day of December, 1867, be, and the same is hereby, appropriated to the Cleveland & Ducktown Railroad Company, the same to be issued whenever ten miles of said road is graded.

Bonds to N. C., Tenn., & Ky. Railroad

SEC. 2. *Be it further enacted*, That the Governor is hereby authorized to issue to the North Carolina, Tennessee & Kentucky Railroad Company, coupon bonds, similar in every respect to those issued to other railroad companies, under the Internal Improvement law, passed in 1852, whenever said company have ten miles graded, and for every additional ten miles, until said road is completed from the East Tennessee & Georgia Railroad to the Tennessee & Pacific.

Liabilities and restrictions.

SEC. 3. *Be it further enacted*, That the North Carolina, Tennessee & Kentucky Railroad, be placed under the same restrictions and liabilities as all railroads accepting State aid in said Act, as provided in An Act passed December 7, 1867; *Provided*, that said railroad compainies accept all the provisions and restrictions of sections 14 and 15 of An Act passed December 7, 1867, entitled "An Act to amend the Internal Improvement Laws of the State," passed February 11, 1852.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 12, 1868.

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CHAPTER XCIV.

AN ACT to Incorporate the Cherokee Male and Female Academy in Washington County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Calvin Hoss, M. P. Boring, Isaac W. Hartsell, D. W. F. Peoples, John Walker, Calvin P. Jones, Jeremiah Miller, Samuel Keplinger, Isaac Garber, Washington Dove, Robert M. Young, and their successors, be, and they are hereby, appointed and constituted a body politic and corporate, by the name and style of the "Trustees of the Cherokee Male and Female Academy;" and as such and by such name, may sue and be sued, plead and be impleaded, buy and sell property, or otherwise acquire the same according to law, and sell and convey the same; and have and enjoy all other such rights as are usually possessed and exercised by other incorporated Academies in this State; and pass all by-laws and ordinances necessary for their organization and government, when organized, so that the same are not inconsistent with the Constitution and laws of this State or of the United States. Seven of the above Trustees shall constitute a quorum, and the said number being present and voting for any such by-laws or ordinances, shall make them effectual and binding.

Corporators.

Rights and powers.

SEC. 2. *Be it further enacted*, That said Trustees shall have power to fill any vacancy that may occur by death, resignation, removal, or refusal to act in said Board; that they have power to elect a Secretary and Treasurer and President for said institution, at their discretion, and for such term of time, as may be, by any laws of theirs designated; and that the duties of such officers be defined by a by-law, or otherwise, by said Board.

Powers of Trustees.

SEC. 3. *Be it further enacted*, That when any student of said institution may be arraigned for any disorderly conduct, that he, she or they, shall be tried by said Board of Trustees, and such officers as they may have elected, and their judgment shall be a final decision of any such charge, and they shall have jurisdiction of any such charges, when the expulsion from said institution or a suspension therefrom, is the only question at issue; and no student shall be expelled or suspended from said Academy except by the judgment and order of said Trustees, or a majority of them.

Disorderly conduct of students.

SEC. 4. *Be it further enacted*, That all matters of order, and rules for the government and discipline of

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Rules, etc.

said Academy, shall be fixed and defined by said Trustees, or a majority of them, which shall be a matter of record in said institution; and that they have power to employ teachers for said Academy, and to discharge the same on sufficient cause.

East Tenn. Wesleyan College.

SEC. 5. *Be it further enacted*, That the Trustees of the East Tennessee Wesleyan University, located at Athens, Tennessee, heretofore incorporated under the name and style of the "East Tennessee Wesleyan College," be, and are hereby, authorized and empowered to establish a Normal Department in said University.

Regents.

SEC. 6. *Be it further enacted*, That the Trustees of said University, be, and are hereby, constituted a body politic and corporate, with the power of perpetual succession, under the name and style of the "Regents of East Tennessee Department of the Normal School, established in the East Tennessee Wesleyan University, at Athens, Tennessee;" and the said Trustees, as such Regents, shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts in this State; shall be capable, and are hereby empowered, to take to themselves and their successors, by purchase, devise, gift, bequest, or otherwise, any estate, either real or personal property of any description whatever, and to dispose of the same, by sale, lease or otherwise, for the advancement of said Normal School. They are likewise authorized to have and use a common seal, and to change or destroy the same at pleasure; and by the same name to do all and any business having reference to the promotion of the objects had in view in the establishment of said Normal School, as fully and perfectly as any person or corporation has power to manage their business.

Rights and powers.

Term of office, etc.

SEC. 7. *Be it further enacted*, That said Regents shall hold their offices, as such, by virtue of being Trustees of the East Tennessee Wesleyan University; and all vacancies in the office of Regent, which shall occur from any cause whatever, shall be filled by the said Trustees, as prescribed in the Act incorporating the East Tennessee Wesleyan College; (now University;) and said Regents shall hold their offices for the period they hold the position, respectively, of Trustees of said University.

By-Laws, Rules, etc.

SEC. 8. *Be it further enacted*, That said Normal School shall be under the general supervision and control of the said Regents; and they shall have power to pass such general laws, and adopt such general rules for the government of said Normal School, not inconsistent with the laws of the United States and the State of Tennessee, as may, by them, be thought best calculated to effect the object of its establishment. They shall fix the number

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and compensation of teachers, and other persons to be employed in said Normal School; prescribe the preliminary examination, and the number of pupils to be received and instructed in said school, as well as the time and manner of their admission. In the selection and admission of pupils, no distinction shall be made on account of religious or political opinions; nor shall preference be given to any pupil for any cause, except such as involve their competency to promote the purposes for which this school is established; and the said pupils shall be selected from the various counties of East Tennessee, as near as may be, according to the scholastic population. Qualifications of pupils.

SEC. 9. *Be it further enacted*, That it shall be the duty of said Regents, to require all pupils who may be admitted in said Normal School, to be educated free of tuition, to enter into a good and sufficient bond, in such sum as they may determine, conditioned to devote the first three years after their graduation, to teaching in the common and primary schools of East Tennessee for such salary as they may be able to obtain. Said bond to be made payable to the said Regents, and on which, they or their successors, may maintain an action, whenever it is breached; *Provided*, that any person who may have entered said school upon the execution of said bond, and, after graduating, desires to abandon teaching, or, for any cause, does not desire to enter upon the duties of teaching, it shall be their duty to assign their reasons therefor, in writing, and lay them before the Board of Regents, and shall said Board be of opinion, that such reasons are well founded, and that the person assigning them, has shown sufficient cause, they may excuse them from the said duties of teaching, and cancel the said bond, which shall relieve said persons from the obligations of the said bond; but if the reasons so assigned, are not considered by the said Regents, as good and sufficient, they shall not excuse said person nor cancel the said bond, but the same shall remain in full force and effect. And it shall be the duty of said Regents in their corporate capacity, to proceed and enforce the conditions of said bond, in all cases where the conditions are not complied with, the Circuit Courts of this State being, hereby, specially clothed with jurisdiction for this purpose. Free pupils to give bond. Proviso. May cancel bonds.

SEC. 10. *Be it further enacted*, That the finances of the said Normal School shall be managed under such laws and rules as the said Regents are herein authorized to make; and, that the number and character of officers necessary to govern said Regents in the dis- Finances, etc.

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charge of their duties, shall be determined by themselves, and elected as they may prescribe in said laws and rules.

Tenn. Masonic Mutual Aid Society.

SEC. 11. *Be it further enacted*, That Wm. Stockell, H. L. Claiborne, F. O. Hurt, John McClelland, Sumner Kirkpatrick, Thompson Anderson, Morton B. Howell, Anson Nelson, John H. Johnson, W. J. Thomas, John L. McClelland, F. G. Roche, O. S. Lesueur, Joseph Carels, and H. W. Massingale, with others who may become associated with them, be, and they are hereby, constituted a body corporate, by the name and style of the "Tennessee Masonic Mutual Aid Society," with power to sue and be sued, to have and use a common seal, to hold, sell, and convey estate, real and personal, to such an extent as the purposes of its organization may demand, to make by-laws for its regulation and government; and generally to do and perform such things, and enjoy such immunities and privileges as like companies enjoy in this State.

Powers and privileges.

To Masons only.

Taxes.

SEC. 12. *Be it further enacted*, That the powers and privileges granted to the society, shall only be extended to Free and Accepted Masons; that the society have power to invest its funds in such manner as the Directors may determine. *Provided, however*, that such funds, like those of all charitable associations, shall be exempted from taxation.

Annual Election of Directors.

Exec. Committ

SEC. 13. *Be it further enacted*, That the annual election of Directors, who shall be fifteen in number, eight of whom shall be elected from Davidson County, shall be at the regular annual meeting of the Grand Lodge of Masons. A majority of the whole number shall constitute a quorum for the transaction of business, but an Executive Committee of five may be elected by the Board of Directors, from their own number, who shall have all the powers, *ad interim*, of the Board. The meetings of the Board of Directors shall be in the City of Nashville, and determined by the by-laws of the society.

Macon Co'ty Male Academy Trustees.

SEC. 14. *Be it further enacted*, That the following named Trustees of the Macon County Male Academy, to-wit: H. S. Young, N. M. Claiborne, Anderson Bratton, and J. M. Chamberlain, be, and the same are hereby, removed from office as Trustees of said Academy, and that George L. Walton, E. G. Cartwright, James A. White, and R. R. W. Gillenwaters, be, and the same are hereby, elected their successors in said offices of Trustees.

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SEC. 15. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 12, 1868.

CHAPTER XCV.

AN ACT to Charter a Railroad from Wales' Station to Tennessee River; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. H. Nixon, Wm. Parks, T. D. Davenport, W. H. Hagan, C. B. Davis, R. H. Rose, S. Busby, William Simonton, J. L. Brandon, Jas. McKissack, H. Hancock, James Horn, S. J. Cypert, John J. Porter, James Lawson, W. H. Brown, W. H. Kindle, Alfred Pitts, J. W. Bennett and J. W. Irwin, be, and they are hereby, constituted a body corporate and politic, by the name and style of "Tennessee & Corinth Railroad Company," for the purpose of constructing a railroad from Wales' Station, (on the Nashville & Decatur Railroad,) by the way of Lawrenceburg, and in the direction of Hamburg, on the Tennessee River; and said company, when formed, shall, by their corporate name, have power to sue and be sued, plead and be impleaded, in all the courts of the State, or United States; have and enjoy all the rights and privileges secured to the Nashville & Chattanooga Railroad Company, and subject to all the restrictions contained in said charter; which road shall be built and constructed agreeable to the requirements of the aforesaid charter.

Corporators.

Purposes and Powers.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, to be divided into shares of fifty dollars each; and books for subscription of stock in said railroad, shall be opened on the first Monday of May, 1868, and kept open for one month, every day, (Sundays excepted,) from ten o'clock, A. M., until four o'clock, P. M., at the following places, and by the following persons, to-wit: At Wales' Station, by William Simonton, James McKissack, H.

Capital Stock.

Subscription Books.

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Where and when opened.

Hancock, James Horn, and Mr. Wales, of Wales' Station; at Lawrenceburg, by S. A. Carrell, G. H. Nixon, B. F. Matthews, C. H. Nicholson and G. G. W. White; at Waynesborough, J. M. Dickerson, T. J. Cypert, Samuel Barns, James Anderson and J. W. Bumpass; at Hamburg, Alfred Pitts, J. W. Irwin and J. W. Bennett.

Commiss'ners

SEC. 3. *Be it further enacted*, That William Simonton, James Horn, James McKissack, S. Busby, R. H. Rose, C. B. Davis, Jacob Springer, L. Mino Bently, Wm. Sykes, George H. Brewer, W. F. Bumpass, John J. Porter, Samuel Burnes, T. J. Cypert, E. B. Martin, Alfred Pitts, J. W. Irwin and J. W. Bennett, or a majority of them, be, and they are hereby, constituted a Board of Commissioners, to superintend and manage all the affairs of said company, until it shall be fully organized, by the election of a Board of Directors, as prescribed by the charter of the Nashville & Chattanooga Railroad Company.

State Bonds to issue.

SEC. 4. *Be it further enacted*, That whenever said company shall have finished the grading of fifteen miles of said road, ready for the iron rails, the Governor shall issue the bonds of the State to the company, for ten thousand dollars per mile, to be used in the same manner as such bonds are used by the Nashville & Chattanooga Railroad Company.

Chat. & Gayb'g Turnpike Co.

Section 16 amended.

SEC. 5. *Be it further enacted*, That the 16th section of An Act, entitled "An Act to incorporate the Chattanooga & Gayburg Turnpike Company, and for other purposes," be so amended as to insert after the last word of said section, the following proviso: "*And provided, further*, that the said company shall enjoy the privileges, and be subject to the duties and liabilities, of a common carrier of freight; and may charge a reasonable rate of toll for the loading and unloading of freight, goods, wares, merchandise, cotton, and all other articles of property, as is above set forth, not to exceed, in the maximum, the sum of sixty cents per ton; and for the purpose of so loading and unloading freights, and the other articles mentioned above, the said company may connect the said railways with other street railroads already constructed, or to be constructed, and may operate its freight cars over any of the said railroads, on making due compensation to the owners and proprietors of said roads.

Com's for Cor. & Tenn. River Railroad Co.

SEC. 6. *Be it further enacted*, That J. L. Wofford and James M. Amis, be, and they are hereby, appointed additional Commissioners for the "Corinth & Tennessee River Railroad Company;" which company was incorporated by Section five, of Chapter 117, of the Act pass-

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ed May 24th, 1866; *Provided*, that the company herein incorporated, shall have the stock taken, and shall comply strictly with the provisions of the General Internal Improvement Law, passed in 1852, before any State aid shall be granted to said company.

Gal., Leb. and Mur. R.R. Co.

SEC. 7. *Be it further enacted*, That the name of the Gallatin & Lebanon Railroad Company, incorporated under An Act passed December, 1867, be, and the same is hereby, changed to that of the "Gallatin, Lebanon & Murfreesborough Railroad Company."

May extend road

SEC. 8. *Be it further enacted*, That said Gallatin, Lebanon & Murfreesborough Railroad Company, shall have power to extend the line of their road to the town of Murfreesborough, in the County of Rutherford, and to connect with the Nashville & Chattanooga Railroad in this State; with all the powers, rights, privileges and immunities, subject to the same restrictions and liabilities, as granted to them under their said charter, passed December, 1867. And to enable said company to carry out such extension, they are hereby authorized to increase their capital stock to such an amount as may be necessary for said purpose. And the County of Rutherford is hereby authorized, as well as the town of Murfreesborough, to make subscriptions in bonds or money, to the capital stock of said Gallatin, Lebanon & Murfreesborough Railroad Company, under the Act mentioned herein; and that E. L. Jordan, N. C. Collier, Thos. C. Black, W. A. Rawson and J. B. Palmer, be, and they are hereby, constituted and incorporated as original incorporators in said railroad company.

Subscripti'ns, etc.

Repealed.

SEC. 9. *Be it further enacted*, That all laws or parts of laws, conflicting with the provisions of this Act, relating to the Gallatin, Lebanon & Murfreesborough Railroad Company, in so far as they do so conflict, be, and the same are hereby, repealed; and that this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D, W. C. SENTER,
Speaker of the Senate.

Passed March 12, 1868.

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CHAPTER XCVI.

AN ACT to Incorporate the Soddy Coal Company, of Hamilton County, Tennessee; and for other purposes.

Corporators.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John G. Williams, Abraham Lloyd, Evan Rees, Richard Williams, John Jenkins, Edward Jones, Benj. Jones, Christopher Maggi, John Hallett, Thomas B. Evans, David Regnan, Wm. W. Rees, William Regnan, William Thomas, David Williams, Lewis Morgan, John Maggi, and Samuel Evans, or their other associates, are hereby created a body corporate, under the name and style of the "Soddy Coal Company," for the purpose of mining coal, iron and other articles; and as such, may have succession for ninety-nine years, may sue and be sued, may contract and be contracted with, may have a common seal, may purchase and hold real and personal estate, or may lease and hold lands, for the purpose of carrying on their coal and mining operations; with the rights, powers, and privileges necessary and proper for them, as an incorporated company, to mine, manufacture and transport their coal and manufactures, as they may think proper.

Rights and powers.

Capital Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not be less than ten thousand dollars, nor more than five hundred thousand dollars, to be divided into shares of one hundred dollars each.

How managed.

SEC. 3. *Be it further enacted*, That the affairs of the company shall be managed by a Board of five Directors, to be elected by the stockholders, who shall hold their offices for one year, and until their successors are elected. The Directors shall elect one of their number President, and may appoint a Treasurer, Secretary, and such other officers and agents, and with such salaries as they deem necessary.

May build roads, etc.

SEC. 4. *Be it further enacted*, That, for the purpose of enabling the company to mine and manufacture, with the facilities of railroads and water navigation, they shall have the power to make such roads and railroads as they may deem necessary, with all the rights, powers, and privileges as are granted to the Nashville & Chattanooga Railroad, so far as regards the right of

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way, granted to said railroad. *Provided*, no State aid be granted for the construction of the same.

SEC. 5. *Be it further enacted*, That in all elections by the stockholders, and at all general meetings, the stockholders shall have one vote for every share, respectively held, and may vote, either in person or by proxy. The stockholder may make all by-laws necessary for the regulation of the company, not inconsistent with existing laws. Voting.

SEC. 6. *Be it further enacted*, That, if any stockholder shall fail to pay what may be due upon his stock, or any call that may be assessed on the same, the Directors may sue for the same in action of debt, before any court having jurisdiction of the amount, or may declare the said share forfeited to the said company, by giving each delinquent stockholder thirty days' notice, that such action will be taken. Failure to pay stock.

SEC. 7. *Be it further enacted*, That this Act shall be in force from and after its passage, and shall be subject to all general laws passed by the General Assembly of the State of Tennessee, affecting corporations of like character. Effecting clause.

SEC. 8. *Be it further enacted*, That John W. Childress, James M. Haynes, Jefferson M. Leatherman, S. H. Sanders, M. Ransom, Thomas Robinson, John W. Burton, W. A. Ransom, and their associates, successors and assigns, be constituted a body politic and corporate, with succession for thirty years, under the name and style of the "Murfreesboro' Manufacturing Company," with all the powers and privileges, and with the same restrictions as are granted to the Nashville Cotton Mills, by An Act passed March 8, 1867. Mur. Manf'g. Company.

SEC. 9. *Be it further enacted*, That J. G. Peace, B. C. Pettitt, W. M. Dixon, S. H. Richards, and William Williams, and their associates, successors and assigns, be, and they are hereby, constituted a body corporate and politic, by the name and style of the "Madisonville Milling and Manufacturing Company;" and by that name and style shall have succession for fifty years; shall have power to contract and be contracted with, sue and be sued, to make and use a common seal, and alter the same at discretion, to purchase and hold real estate, receive donations of land or other property, or money, to erect buildings, put up engines, machinery, and other fixtures, for the purpose of grinding wheat, corn, and all other kinds of grain, and sawing any species of lumber; and also, of manufacturing cotton, Madisonville Milling and Manf'g Co. Rights and powers.

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wool, furniture, iron, plows, and machinery and implements of all kinds.

Capital Stock. SEC. 10. *Be it further enacted*, That the capital stock of said company shall be five thousand dollars, divided into fifty dollars each. Said company shall have power to increase the capital stock of said company to five hundred thousand dollars.

First Election. SEC. 11. *Be it further enacted*, That when the sum of three thousand dollars of stock shall be subscribed said stockholders may, after giving ten days' notice of the time and place of meeting, assemble and elect five of their number Directors of said company, who shall hold their office for twelve months, and until their successors are elected and qualified. Said Directors shall elect one of their number President. They shall also, elect such other officers as they may deem necessary for the carrying on of the business of said company, not being restricted in such election, to the members of the corporation. Said company, when organized, shall By-Laws, etc. have power to make such by-laws, rules, and regulations as they may deem necessary for the successful carrying on of the business of said company, not inconsistent with the laws of this State or of the United States.

Privileges, etc. SEC. 12. *Be it further enacted*, That said company shall have all the rights, benefits and privileges granted to other corporations, and be subject to such general laws as may be passed from time to time, for the government of corporations.

Vulcan Iron and Coal Co. SEC. 13. *Be it further enacted*, That Charles Sheffield, of New Haven, Connecticut; James C. Haselton, of New York City; and F. S. Richards, T. J. Carlisle, S. B. Low, of Tennessee, their associates or assigns, are hereby, incorporated a body politic and corporate, under the name and style of the "Vulcan Iron and Coal Company;" may buy, hold, sell or lease real estate, may sue and be sued, plead and be impleaded, have and use a common seal, may adopt by-Rights, powers, etc. laws, rules, rates and regulations for carrying on business; may mine, and may manufacture all and any kind of articles, out of any and all substances or materials, not inconsistent with the Constitution of the State of Tennessee, or the United States, and have, and enjoy succession for fifty years.

Capital Stock. SEC. 14. *Be it further enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each, which shall be entitled to one vote for each share,

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Provided, said capital stock may be increased from time to time, by a vote of a majority of the Board of Directors, to an amount not exceeding one million of dollars. Proviso.

SEC. 15. *Be it further enacted*, That a majority of the incorporators or their assigns, may open books for subscription to the capital stock; and when the sum of one hundred thousand dollars shall have been subscribed, the stockholders shall elect five of their number, as a Board of Directors, one of whom shall be elected President; all of whom shall serve for one year, and until their successors shall be elected. Said Board of Directors or the President, shall have power to elect or appoint officers or agents and dismiss the same. May open books. Elect Directors.

SEC. 16. *Be it further enacted*, That said corporation shall have power to establish branches for carrying on their business; and shall also have the right, power and privilege to build, under the general laws of the State, a railroad or railroads, with branches and side tracks, from any of their works, to connect with any railroad or river; *Provided*, that no State aid shall be granted. Branch roads

SEC. 17. *Be it further enacted*, That James C. Haselton, Asa B. Stewart, of New York; Delos O. Cole, Frank W. Carey, of Cleveland, Ohio; Robert H. Palmer, William H. Byram, of Pittsburg, Pa.; John O. Spooner, of Plymouth, Mass.; Milo Pratt and John Troth, of Warren County, Tennessee, and such other persons as they shall associate with them, their successors, and assigns, shall be, and are hereby, created a body corporate and politic, in fact and in law, by the name of the "Ætna Coal & Iron Company;" and as such, may have perpetual succession, may sue and be sued, may plead and be impleaded, may contract and be contracted with, may have a common seal, may purchase and hold, real and personal estate, and sell and dispose of the same at pleasure; with all the rights, powers and privileges required and desirable for them, as an incorporated company, to mine and transport coal, iron or any other minerals; to manufacture iron, steel or any other articles which they may think proper, and transport the same. Ætna Coal and Iron Co. Rights and powers.

SEC. 18. *Be it further enacted*, That the capital stock of said company shall be two hundred thousand dollars, with power to increase it to one million dollars, divided into shars of one hundred dollars each; may purchase or lease mines, manufactories and other property deemed necessary for their business; and may issue stock to the value thereof, in payment thereof. And the stock so issued, shall be declared and taken to be full stock, and not liable to any further calls. Capital Stock

SEC, 19. *Be it further enacted*, That the officers of

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the company shall be managed by a Board Directors, consisting of not less than five, nor more than thirteen, to be elected by the stockholders, who shall hold their offices one year, and until their successors shall be elected; the Directors to elect one of their number President, and may appoint a Secretary, Treasurer and such other officers or agents, and with such salaries, as they may deem necessary; to make such by-laws, rules and regulations, for carrying on the business of the corporation, as may be deemed advisable by a majority of the Directors; the same to be altered or amended, from time to time, as may be therein provided.

How managed.

By-Laws, etc.

SEC. 20. *Be it further enacted*, That every stockholder shall be entitled to one vote in all stockholders' meetings, for each share of stock they shall own, and must be represented in person or by written proxy.

Voting.

SEC. 21. *Be it further enacted*, That any Director ceasing to be a stockholder, thereby ceases to be a Director.

SEC. 22. *Be it further enacted*, That no transfer of stock shall be valid, until such transfer is registered in the books of the company, by the Treasurer or regular transferring agent.

Transfer of stock.

SEC. 23. *Be it further enacted*, That all the property of this company, of real estate, or of whatever character, shall be considered, and is hereby created, personal estate, to be represented by stock; and each stockholder shall be entitled to a certificate or certificates of the stock he or they shall own, which certificate shall be signed by the President and Secretary of the company, and stamped with the seal of the company.

Stock certificates, etc.

SEC. 24. *Be it further enacted*, That for the purpose of enabling the company to mine, manufacture and transport with the facilities of railroads or water transportation, they shall have the power to make such roads and railroads as they may deem necessary, with all the rights, powers and privileges, as are granted to the Nashville & Chattanooga Railroad, so far as regards the right of way granted to said railroad company; may construct a railroad, from their property in Marion and Hamilton counties to the Tennessee river, or to connect with any railroad now built, or that may be hereafter built; may construct side tracks and turn-outs, as may be necessary and convenient for transacting the business of the company.

May build roads, etc.

SEC. 25. *Be it further enacted*, That the "Ætna Coal and Iron Company" shall have all the rights and privileges, secured and provided in relation to such companies in the charter of the Nashville & Chattanooga Railroad Company, providing for the transportation, by said

Rights and privileges.

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Nashville & Chattanooga Railroad Company, over its road, of the loaded cars of companies chartered by the Legislature, with the powers and privileges, which, by said charter the Legislature retained the power to grant to railroads, and particularly by the 40th section of the Act of 1845-46, in relation to said Nashville & Chattanooga Railroad Company, conferring certain rights on the said latter railroad company; shall not charge more for freight or transportation over their road, for cars or products of said Ætna Coal and Iron Company, than is charged to any other company having its freights or cars transported on said road; and any discrimination against said Ætna Coal and Iron Company, by the Nashville & Chattanooga Railroad Company, in contravention of the provisions of this Act, shall subject said company to an action for damages for each violation, in this respect.

N. & C. Railroad Co.

Not to discriminate.

SEC. 26. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 13, 1868.

CHAPTER XCVII.

AN ACT to Incorporate the Chattanooga Library Association; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That E. A. James, Henry N. Snyder, E. M. Wright, C. C. Sigfried, J. T. McEwen, J. S. Witts, Tomlinson Foot, and C. B. Fiebleman, and their successors and associates, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Chattanooga Library Association," at Chattanooga, Tennessee, for the purpose of diffusing knowledge and encouraging and promoting mental and moral improvement in the community; and by that name and style shall, have succession for thirty-three years, and shall be competent to sue and be sued in any court of law or equity what-

Purposes and powers.

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ever, to purchase, hold or sell personal property and real estate as an individual; to have and use a common seal, and change the same at will, to make, change or repeal, all by-laws necessary for the government of said association; and shall have all such powers as may be necessary and proper to carry into effect the designs and objects for which this association is formed, and for which this charter is granted.

Same.

SEC. 2. *Be it further enacted*, That George H. Prince, N. A. Dinwiddie, D. H. Lankford, C. Bass, John H. New, George W. Rodgers and Wm. E. Curtis, and their successors in office, as Trustees, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Macedonia Male and Female Institute," at Macedonia, in Carroll county, Tennessee, with capacity to make and use a common seal, sue and be sued, plead and be impleaded in any court of law or equity in this State; to buy, receive by gift or devise, hold, sell or dispose of, real or personal property, as they may deem best for the prosperity of said institution; and enjoy all the immunities and privileges which are granted by the Code of Tennessee to institutions of learning for thirty-three years.

Macedonia Male and Female Institute

Rights and powers.

SEC. 3. *Be it further enacted*, That said Trustees shall have power to organize by the election of a President and such other officers as they may determine; to fill vacancies in their body occasioned by death, resignation or otherwise; to make such by-laws, rules and regulations for the government of said Institute as they may see proper, not inconsistent with the Constitution and laws of the United States and of this State; to employ teachers or professors, and, with them, to grant diplomas, and confer any honors and degrees usually given by similar institutions.

Election of officers, By-Laws, etc.

SEC. 4. *Be it further enacted*, That J. L. Case, with such others as he may associate with him, and their successors in office, as Trustees, be, and are hereby, constituted a body politic and corporate, under the name and style of the "Mansfield Male and Female Collegiate Institute," at Mansfield, Henry County, Tennessee, with capacity to make and use a common seal; sue and be sued, plead and be impleaded in any court of law or equity in this State; to buy, receive by gift, devise, or otherwise, real or personal property, to hold, sell or dispose of the same as they may deem best for the benefit of said Institute; and enjoy all the

Mansfield Male and Female Collegiate Institute.

Rights and privileges.

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immunities and privileges which are granted by the Code of Tennessee to institutions of learning, for thirty years.

Election of officers, By-Laws, etc.

SEC. 5. *Be it further enacted*, That the Trustees shall have power to organize, by the election of a President and such other officers as they may desire; to fill all vacancies in their body; make such by-laws, rules and regulations for the government of said Institute as they may see proper, not inconsistent with the laws of the United States, or of this State; and, with the officers and professors of said Institute, grant diplomas, and confer any honors and degrees given by similar institutions.

Paris Male and Female College.

SEC. 6. *Be it further enacted*, That E. H. Randal, be, and he is hereby, constituted a body politic and corporate, under the name and style of the "Paris Male and Female College," located at Paris, Henry county, Tennessee, with power and capacity to make and use a common seal; sue and be sued, plead and be impleaded in any of the courts of law or equity in this State; to buy, receive by gift, or devise, hold, sell or dispose of, real or personal property, as he may deem proper for the use and benefit of said College, and enjoy all the immunities and privileges which are granted by the Code of Tennessee to institutions of learning, for thirty years.

Rights, etc.

General powers.

SEC. 7. *Be it further enacted*, That he shall have power to appoint a Board of Trustees for said College, and remove them at pleasure, to fill all vacancies, and with the Trustees, to elect such officers as they may wish; elect teachers or professors for the College; and, with the professors, to grant diplomas, and confer any honors and degrees usually given by similar institutions; and, with the Trustees, may pass such by-laws, rules and regulations for the government of said College as they may desire, not inconsistent with the Constitution and laws of the United States, or of this State.

Masonic Male and Female Institute of Salem.

SEC. 8. *Be it further enacted*, That the Masonic School, at Salem, Franklin County, Tennessee, be, and is hereby, incorporated, under the name and style of the "Masonic Male and Female Institute, of Salem, Franklin County, Tennessee;" and that H. G. Blanton, R. N. Mann, J. H. Criddle, Samuel Pearson, G. H. Bowling, Joseph Wiseman, J. M. Bickley, W. T. Wakefield, Josiah Wills, Daniel Larkin, Wm. E. Baker and R. C. Patrick, be, and they are hereby, created, under said name and style, a body politic and

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corporate, with succession for a period of thirty-three years; and by that name may sue and be sued, plead and be impleaded, in any court of law or justice in this State.

Rights, etc.

Sec. 9. *Be it further enacted*, That the said corporation, may obtain and hold, by purchase or otherwise, any property, real or personal, and may dispose of the same at pleasure, for the purposes of the association, and not otherwise.

Property.

Sec. 10. *Be it further enacted*, That the said corporation shall have power to enact by-laws for their own government, and for the government of institutions under their charge, and to create such officers as may be necessary. *Provided*, that such by-laws are not inconsistent with the laws of this State, or of the United States.

By-Laws, etc.

Sec. 11. *Be it further enacted*, That the said corporation may increase its membership to any number in their discretion—members to be admitted, and vacancies to be filled, by the votes of a majority of the members of the corporation.

Membership.

Sec. 12. *Be it further enacted*, That this charter may, at any time, by any future legislation, be repealed or modified; *Provided*, that if such corporation be dissolved all the property, real and personal, shall remain, and vest in the association, or parties owning the same prior to the passage of this Act. And that the Masonic Temple erected, and to be hereafter erected, for the purposes of education, together with the lands pertaining thereto, be, and are hereby, declared free of taxation so long as used for the purposes herein specified.

Dissolution etc.

Taxes.

Sec. 13. *Be it further enacted*, That a company, to be entitled the "Clarksville Gymnasium Association," shall be, and is hereby, established, with a capital of fifty thousand dollars; that the stock of said company shall be divided into shares of twenty-five dollars each, to be subscribed with the Commissioners hereinafter named, and paid in as the Directors to be elected, may call for.

Clarksville Gymnasium Association.

Sec. 14. *Be it further enacted*, That the subscribers for said stock, their successors and assigns, are hereby created a body politic and corporate, by the name and style of the "Clarksville Gymnasium Association;" and in and by said name they shall have capacity to contract and be contracted with, sue and be sued, have and use a common seal, shall have authority to elect all necessary officers, and establish all by-laws, rules

Rights and powers.

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and regulations for the the successful management of the affairs of the Association.

Objects and business.

SEC. 15. *Be it further enacted*, That the object and business of said association shall be to erect in the city of Clarksville an appropriate building for gymnastic exercises, and for the legitimate drama; and by proper rules and regulations give that training in athletic exercises which has been found favorable to the constitutional development of the young, and the conservator of health and vigor in adults, and to elevate the character of stage representations; and said Association is authorized to purchase and hold, by their corporate name, a suitable lot for such a building in the city of Clarksville.

Commiss'ers.

SEC. 16. *Be it further enacted*, That Thomas Hyman, Junius Kmiall, W. A. Little, James W. Haun, E. M. Thomas, D. N. Kennedy, F. O. Anderson, and F. M. Dauherty, are hereby appointed Commissioners to open books for the subscription of stock; and they, or a majority of them, are authorized to keep the same open until two thousand dollars, or a sufficient amount, is taken; and said Commissioners shall give ten days' notice, that an election will be held for the purpose of electing a Board of five Directors, to whom shall be entrusted the management of the affairs of said Association. They shall elect a President of the Board, and fill the vacancies in the same.

Stock Book.

Election of officers.

SEC. 17. *Be it further enacted*, That the election of the Board of Directors, and such other officers as may be necessary, shall be held annually, at such time and place as the stockholders may direct—and the old Board may hold over until a new one is elected.

Liability.

SEC. 18. *Be it further enacted*, That each and every stockholder shall be liable for the full amount subscribed by him, but a payment in full of said subscription, to the authorized agent of said Association shall be a discharge from further liabilities.

Transfer of stock.

SEC. 19. *Be it further enacted*, That the stock may be transferred by assignment, and the original stockholder and assignee shall be bound till the subscription be paid in full, and each stockholder shall be entitled to one vote for each share of stock owned, which may be given in elections, in person or by proxy.

Tenn. Real Estate and Ins. Company

SEC. 20. *Be it further enacted*, That Silas F. Allen, James G. Ogden, Wm. C. Kinney, A. J. Porter, Wm. L. Murfree, James D. Maney, and George Maney, their associates and successors, are hereby, created a body

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politic and corporate, under the name and style of the "Tennessee Real Estate and Immigration Company;" and by said name and style, shall have corporate existence and succession for fifty years, with power to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of law or equity; and also, to purchase, acquire and possess, real estate, absolutely, and in fee; and to purchase, lease, or otherwise acquire, any description of property, personal or real, and to sell, convey, release, or otherwise dispose of the same. They may also mine or manufacture iron and other metals or minerals, manufacture cotton or woolen fabrics, tan leather, and erect all buildings and machinery necessary to those objects; they may also, use a common seal, and have the usual powers incident to corporations; but nothing herein shall confer the privilege of banking.

Rights and powers.

Capital Stock.

Sec. 21. *Be it further enacted*, That the capital stock of said company shall be fifty thousand dollars with privilege of being increased at any time, upon the conditions hereinafter made, to any amount not exceeding one million dollars; said stock to be divided into shares of fifty dollars each, and transferable on the books of the company, as its by-laws may prescribe. A majority of the above named persons, or any three of them, are hereby constituted competent Commissioners to open books, and receive subscriptions for stock in said company; and subscriptions of said stock may be made in money, or in real estate, at such valuation as may be determined upon by the Commissioners receiving such subscription. The valuation of real estate so subscribed, with description of its quantity, boundaries and location, to be certified by said Commissioners, in writing, to be acknowledged by them before some officer, competent under the laws of Tennessee, to take probate of deeds, and registered in the Register's office of the county wherein the real estate so subscribed, is located. And when five hundred shares of said stock shall have been subscribed for, either in real estate or money, or both combined, the subscribers of said stock shall have all the benefits, immunities, and privileges of this charter; and may organize said company, by electing from the stockholders or other persons, a Board of Directors, not less than three nor more than seven in number, who shall serve as such for one year, or until their successors are elected and qualified. A majorityof said Board so elected, shall consti-

Stock Books.

Real Estate.

Organization.

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tute a quorum competent to transact all business within their province as such Directors; may make and change by-laws proper for the government of the company, and not inconsistent with the laws of the State or of the United States. They shall elect from their number, a President, and from the stockholders or other persons, a Treasurer and such other officers and agents as they may deem necessary to advantageously transact the company's business. *Provided, however,* that, if, at any time, within five days after such election by said Board, the owners of a majority of all the stock subscribed, shall object to any officer so elected, and designate another person in his stead, the person thus designated by the majority of stock, shall be the officer as designated in place of the party elected by said Board. Elections of Directors shall be annual, at such place and time as the Board may designate, after ten days' notice, through some newspaper published at Nashville, Tennessee; and in all elections, and on all propositions submitted to the stockholders of said company, every stockholder shall be entitled to one vote, either in person or by proxy, for each share of the stock owned or held by such stockholder for ten days preceding such election.

By-Laws, etc.

Proviso.

Elections, etc.

SEC. 22. *Be it further enacted,* That the Board of Directors may designate at what periods, and in what installments subscribed stock shall be paid in; but certificates of stock shall only be issued to the extent of actual payment on such subscribed stock. The Board of Directors may, also, from time to time, by and with the consent of owners of a majority of all the stock subscribed in said company, increase the capital stock to any amount within the limits herein provided, by receiving subscriptions of stock, either in money or real estate, at valuations; but expressly, no such increase of stock proposed to be made by the Board of Directors shall be valid or good, unless the same shall have been first sanctioned and ratified by the votes of a majority of all the stock subscribed, exclusive and independent of that proposed to be subscribed as increased stock. In all cases, where the capital stock of said company shall be thus increased by accepting and receiving stock subscriptions in real estate, the President of said company shall certify, in writing, as to the valuation, quantity, boundaries and location of the real estate so subscribed, acknowledge such written certificate before some officer competent, under the laws of

Payments of Stock.

Increase of Capital Stock.

Same

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Tennessee, to take acknowledgements of deeds, and have the same registered in the Register's office of the county wherein the real estate is located. Owners of a majority of the [stock] may, at any time, fill vacancies which may occur in the Board of Directors, and no stockholder shall be liable for the debts of the company, to a greater amount than the stock he or she may hold or have subscribed for.

Vacancies.

SEC. 23. *Be it further enacted*, That stock subscribed in the name, and paid for, with the separate estate of a married woman, shall be separate estate of such married woman, free from all debts, contracts and liabilities of her husband, and she may transfer and vote the same in all matters as a *feme sole*, or other stockholder.

Married Women.

SEC. 24. *Be it further enacted*, That the title to all estate, of whatever description, acquired by said company, shall be vested in the President thereof, in trust for the benefit of stockholders; and the manner in which he may dispose of and convey the same to purchasers or lessees, may be provided for in the by-laws of said company; and in default of all provisions in this particular, said President, by his act, in writing, signed and performed as President, in accordance with the mode prescribed by the laws of Tennessee for conveying, leasing or bonding like property by individuals, may convey, lease, or bond any property of said company; and all conveyances so made, to *bona fide* purchasers or lessees, shall be good and valid, in accordance with their terms, as against stockholders. In the event of a change of President, the title to all estate of said company, of whatever description, shall, by virtue of the act, be divested out of the retiring President and vested in his successor, in trust, for the benefit of stockholders.

Real estate titles, etc.

Same.

SEC. 25. *Be it further enacted*, That the President of said company shall annually file his written statement, under oath, in the office of the Comptroller of the Treasury of this State, which statement shall set forth, distinctly, what part of the capital stock of said company may, at the time, consist of real estate, shall be assessed and taxed as other bonds in Tennessee, but shall not be taxable otherwise as stock.

Annual Report.

SEC. 26. *Be it further enacted*, That Newton Hacker, C. Wheeler, E. Newton Griffith, S. Alexander, Bevell Henry, A. Kelly, George E. Grisham, James E. Deakins, George McPherson, Cornelius E. Cunning-

Jonesboro' Library Association.

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ham, Samuel J. Kirkpatrick, their associates and assigns, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Jonesboro' Library Association," to be located in Jonesboro', Washington County, Tennessee, who shall be entitled to all the privileges and immunities, and subject to all the restrictions and liabilities of the Chattanooga Library Association, incorporated in this Act. Rights and privileges.

SEC. 27. *Be it further enacted*, That the Legislature reserves the right to alter, amend or repeal the charters granted by this Act; and that this Act shall take effect from its passage. Repeal, etc.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 13, 1868.

CHAPTER XCVIII.

AN ACT to Amend the Charter of the Kingston Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act, entitled "An Act to incorporate the Tennessee Pacific Railroad Company, and for other purposes," passed May 22d, 1866, so far as the said Act applies to the Kingston Turnpike Company, be so amended, that it shall be lawful for the President and Directors of said company, to exercise the same privileges, powers and rights, as to the purchase of lots of land on which to erect houses for the use of the agents of the company; and to cut, dig, quarry and take from any land adjoining said road, timber, gravel, stone or earth, for making and repairing said road; and subject to the same liabilities therefor that are conferred on the Franklin Turnpike Company, by section 6, of An Act entitled "An Act to incorporate a company called the Franklin Turnpike Company, and for other purposes," passed December 28th, 1828, and re-published in the Acts of 1849–50, page 545. Rights powers and privileges.

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Payment of Stock, etc.

SEC. 2. *Be it further enacted*, That said President and Directors shall have power to make calls on stockholders for the payment of stock, in such installments as they may deem expedient; and in the event any stockholder fails or refuses to pay the calls made on his stock, the said President and Directors shall have the power to proceed for its collection, in the Circuit Court, or before a Justice of the Peace, in the manner pointed out by section 2 of said Act, chartering the Franklin Turnpike Company.

Style of road.

SEC. 3. *Be it further enacted*, That said road shall be of sufficient width to make it a first class road, with sufficient ditches on each side, when necessary; shall gradually descend from the middle to the sides, shall be bridged, whenever necessary, and shall be paved or graveled, wherever it shall be deemed necessary, and not otherwise.

Toll-gate.

Rates of Toll.

SEC. 4. *Be it further enacted*, That whenever three miles of said road shall have been completed in substantial compliance with the third section of this Act, said company shall have the right to erect a toll-gate at some point, not exceeding one-and-one-half miles from Knoxville, and to collect tolls at said gate; which tolls shall not exceed the following rates, to-wit: For each loaded wagon, drawn by six horses, mules or oxen, fifty cents; for each four-horse wagon, loaded, thirty-five cents; for each three-horse wagon, loaded, thirty cents; for each two-horse wagon, loaded, twenty-five cents; for each cart, fifteen cents; for each two-horse carriage, ambulance, carryall or other vehicle, other than a wagon, thirty-five cents; for each single-horse buggy, carriage, sulky or other vehicle, or other than a cart or wagon, twenty-five cents; for each empty wagon or cart, half price; for each man and horse, ten cents; for each horse or mule, not in a drove, five cents; for each horse, mule, or head of cattle, in a drove, three cents; for each head of hogs or sheep, one cent; *Provided*, that said company shall have power to make contracts with persons traveling over said road, to pay by the month or year, on such terms as may be agreed upon. And whenever five miles more of said road shall have been completed, as aforesaid, said company shall have power to erect another toll-gate, and charge and collect toll as aforesaid; and so on, for each five miles of road so completed.

Proviso.

May surren'r franchises, etc

SEC. 5. *Be it further enacted*, That, if, at any time, said company shall desire to do so, they may surrender said road and its franchises to the County Court of Knox County; which company shall, from that time, be exempt from all further liability on account of said road;

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which court shall thenceforth, hold said road as its own absolute property.

SEC. 6. *Be it further enacted*, That wherever the words "par value" occur in said Act, which this is intended to amend, the same be amended by the substitution of the words "market value." Market value.

SEC. 7. *Be it further enacted*, That said company shall have power to make such by-laws and rules for the government of said company, and to enforce the collection of toll, as they may deem expedient, not inconsistent with the constitution and laws of the State. By-Laws, etc.

SEC. 8. *Be it further enacted*, That all the other turnpike companies, chartered by said Act, which this intended to amend, shall have all the benefits of this amended Act, upon the acceptance of the same by them, respectively; *Provided*, that nothing in this Act shall be construed as giving additional State aid to this company. Other Turnp'e Companies.

SEC. 9. *Be it further enacted*, That this Act take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 13, 1868.

CHAPTER XCIX.

AN ACT to Comprise in one, all the Acts and Amendments to the Charter of the Town of McMinnville; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the following boundary shall constitute the limits of the corporation of the town of McMinnville, in the County of Warren, to-wit: Beginning at the McMinnville & Manchester Railroad bridge, on the Barren Fork; running thence, with the river to the Chattanooga Ford; thence, with a direct line to, and including the residence of Jas. W. Johnston; thence, with a direct line, to the North Ford of the Barren Fork; thence, with the river to the mouth of the North Spring branch; thence, with a direct line to the East corner of John Wells' lot of thirteen acres; thence, with a direct line, to the South-east corner of Samuel Bound'ry line of McMinn'e

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Same.

P. Pennebaker's land, at the mouth of the lane leading to the residence of Thos. B. Murry; thence with a direct line West, with said Pennebaker's South line, and on to the Smithville road, near the house of Towns Webb; thence, with a direct line to the Round House; thence, with a direct line to the Richardson Spring; thence, with a direct line to the beginning.

Rights and privileges,

SEC. 2. *Be it further enacted*, That the town of McMinnville aforesaid, and the inhabitants thereof, being a body politic and corporate, by the name and style of the "Mayor and Aldermen of the town of McMinnville," shall have perpetual succession; and by their corporate name, may sue and be sued, plead and be impleaded in all courts of law and equity; grant, receive, purchase and hold, real, personal and mixed property, or dispose of the same, for the benefit of said town; and may have and use a common seal, to be changed at pleasure.

Election of Mayor and Aldermen.

SEC 3. *Be it further enacted*, That there shall be elected, on the last Saturday in December in each and every year, by the qualified voters resident within said corporation—said electors to have the qualifications of electors for members of the General Assembly—a Mayor and six Aldermen, who shall have been residents of said town for one year last past, of the age of twenty one years, and having the qualifications of electors for members of the General Assembly, who shall hold their offices one year, and until their successors are elected and qualified.

Certificate, qualify, etc.

SEC. 4. *Be it further enacted*, That the Sheriff, or the officer or appointee who shall hold said election, shall deliver to the persons so elected, within two days thereafter, a certificate of their election. And the persons so elected may meet on the following Monday, any number not less than five, being a quorum, and qualify by taking and subscribing to the oath required of all civil officers, including the oath prescribed in the third section of the Franchise Act.

Vacancies.

SEC. 5. *Be it further enacted*, That, in case of a vacancy in the office of Mayor or Alderman, by death, resignation, removal, or otherwise, the remaining members of the Board shall order an election, by the qualified voters of the town, to fill said vacancies; the newly elected officers qualifying by subscribing to the oaths aforesaid.

SEC. 6. *Be it further enacted*, That the Board of Mayor and Aldermen shall appoint a Recorder, Treas-

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urer, and Constable, who shall qualify as prescribed in sections 4 and 5, for the Mayor and Aldermen, and give bond and sufficient security for the faithful performance of the duties of their position, in such sums as the Board may prescribe, and who shall hold their offices during the term of said Board; *Provided*, that the said Board shall have power to remove, each or all of them, at any regular or called meeting, when, in its judgment, it may be expedient, and their places shall be filled as aforesaid. Other officers, to give bond, etc.

SEC. 7. *Be it further enacted*, That the Mayor and Aldermen may be removed from office, for any misdemeanor or malfeasance in office, in the same way that other officers are, under the laws, and shall be subject to indictment by the grand jury. Removals.

SEC. 8. *Be it further enacted*, That the corporation aforesaid, shall have full power and authority to enact such laws and ordinances necessary and proper to preserve the health of the town, prevent and remove nuisances, establish a night watch, patrol and police; ascertain, when necessary, the boundary and location of streets, lots, and alleys; establish new streets, lanes, and alleys; provide for licensing and regulating auctions; restrain and prohibit gaming; and provide for licensing, taxing, regulating or restraining theatrical or other public amusements and shows within the town; to pave, lay side-walks, and keep in repair the streets and alleys, to pass all laws necessary for the same; to establish necessary inspections within the town, to erect and regulate markets, to provide for the organization and regulation of a fire company or companies, and the sweeping of chimneys; to procure water by sinking wells, cisterns, or otherwise, and erect and regulate pumps in the streets; to restrain tippling houses; to impose and appropriate fines, penalties and forfeitures for the breach of by-laws and ordinances; to lay and collect taxes for the purpose of carrying the necessary measures and powers herein granted, into operation, for the benefit of said town; and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this Act into effect; *Provided*, they are not incompatible with the Constitution and laws of the State, and of the United States. By-Laws. General Powers and privileges.

SEC. 9. *Be it further enacted*, That all fines, penalties and forfeitures imposed by the by-laws and ordinances of said corporation, shall be recovered as other moneys are under the laws of the State, by the Mayor Fines, etc.

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and Aldermen of said corporation, and for the use of said town.

To keep laws and ordinances posted.

SEC. 10. *Be it further enacted*, That it shall be the duty of the Mayor to have all by-laws and ordinances of the corporation, printed and posted at the court-house door, for the inspection and information of all persons; and no ordinance shall take effect or be binding until ten days after such publication; and it shall be the duty of the Mayor, to have said by-laws or ordinances so posted, replaced when destroyed or removed, within ten days after the same shall be made known.

Expenditures

SEC. 11. *Be it further enacted*, That it shall be the duty of the Mayor and Board of Aldermen to have an abstract of the expenditures of the corporation made out, containing a full statement of the same, published annually, in one or more of the town papers in said corporation.

Privilege taxes.

SEC. 12. *Be it further enacted*, That the said corporation shall have the power to levy a tax on privileges, not to exceed that levied by the county, or the State, upon the same.

Tax Assessor.

SEC. 13. *Be it further enacted*, That said corporation shall appoint an Assessor to assess the value of all property, real and personal, upon which taxes are paid under the laws of the State, lying within said corporation before any taxes shall be levied for corporation purposes.

Payment of Taxes.

SEC. 14. *Be it further enacted*, That when any tax shall be imposed upon any property within said corporation, and not paid by the owner or occupier of the same, and their shall not be any personal property of the owner or occupier of the same, within the limits of the said corporation, upon which the same may be levied, then it shall be the duty of the Recorder to certify the same to the Circuit Court of Warren County, at the term at which the Sheriff is required to report lands in his county, on which the State and county tax has not been paid; and upon said report at said term, it shall be the duty of the Circuit Court to enter judgment for the tax due said corporation, in the same manner that judgments are required to be entered for the non-payment of the tax due the county and State, upon lands lying in said county; and the same shall be sold, at the same time, and in the same manner, and be subject to the same rules, regulations and restrictions, that are, by law, required for the sale of lands lying within said county, on which the State and

Cir. Court to enter judgment.

May sell land

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county tax is not paid; which tax, when collected by the Tax Collector, shall be paid by him into the hands of the Treasurer of the corporation; and which sale, when made in the manner aforesaid, shall vest the same right and title to the purchaser as if the sale had been made for taxes due the State. Title, etc.

SEC. 15. *Be it further enacted*, That the Constable of said town shall have the same fees as are allowed by law to other Constables of the State, for similar services; and the Constable, before entering upon the duties of his office, shall take the oath prescribed by law for other Constables of the State—and it shall be his duty to execute all warrants and other process, growing out of the corporation laws, from Justices of the Peace. Fees and duties of Constable.

SEC. 16 *Be it further enacted*, That when any real estate in said town, may be levied upon for any corporation dues, the same proceedings shall be had thereon as is prescribed by law in the cases of precepts issued by Justices of the Peace. Levies.

SEC. 17. *Be it further enacted*, That the Mayor and Board of Aldermen on going out of office, shall pay over to their successors, any and all moneys which may be in their hands, or in the hands of the Treasurer, and turn over all property, and deliver up all books and papers in their hands, and those of their appointees, belonging to said corporation. Mayor and Aldermen.

SEC. 18. *Be it further enacted*, That nothing herein shall be so construed as to invalidate the election, or any of the lawful acts of the officers of said corporation now in office; and that all Acts and parts of Acts in conflict with this Act, are hereby repealed. Invalidate.

SEC. 19. *Be it further enacted*, That an Act passed February 22d, 1868, entitled "An Act to incorporate the town of Harrison, and for other purposes," be so amended as to create an election district for all elections at the town of Decherd, in civil district No. 1, in Franklin County, Tennessee. Decherd.

SEC. 20. *Be it further enacted*, That section 1, of An Act of the General Assembly of the State of Tennessee, entitled "An Act to establish a Board of County Commissioners for the County of Davidson," passed March 11, A. D., 1868, be amended so that the same shall read as follows, viz: That there shall be established in the County of Davidson, in this State, a Board of County Commissioners, to consist of three persons who are qualified voters of this State, and who, Davidson Co. Commissioners.

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Terms of office.

previous to their appointment or election, shall have been residents of said county not less than two years; each to serve for the period of six years, and until his successor is elected and qualified, except only in case of appointment as hereinafter provided. The first election for any of such Commissioners, shall take place on the first Saturday in March, in the year 1870, when one Commissioner shall be elected; and one Commissioner shall be elected two years thereafter. And until such elections shall take place, the said Commissioners shall be appointed by the Governor of this State, who shall designate in the commission to be issued to each member of the Board, the period at which his time of office shall expire. The first shall hold from the date of his appointment until the election in March, in the year 1870, when his successor shall be elected. The second shall hold from the date of his appointment until the election in March, in the year 1872, when his successor shall be elected. And the third shall hold from the date of his appointment until the election in March, in the year 1874, when his successor shall be elected.

Election or appointment.

Terms of office.

President.

SEC. 21. *Be it further enacted*, That section 2 of said Act be so amended that the member of said Board of Commissioners having the longest period to serve, shall be President of said Board; and, also, that section 5 of said Act be so amended, that two members shall constitute a quorum of said Board; and that section 6 of said Act be so amended that the Magistrates of said county be relieved from their duties as members of said county, quorum, or quarterly courts, after said Commissioners shall have been appointed by the Governor, or elected and qualified.

Co'ty Courts abolished.

Compensation.

SEC. 22. *Be it further enacted*, That the compensation of the President of said Board of Commissioners shall be fifteen hundred dollars, and the other members of said Board twelve hundred dollars per annum; and that no money shall be drawn out of the treasury of said county except on the warrant signed by the President of said Board, countersigned by the Clerk of the County Court.

Injunctions.

SEC. 23. *Be it further enacted*, That no injunction shall be granted by any judge or court in this State, upon any bill alleging or involving the inconstitutionality of the said Act, entitled "An Act to establish a Board of County Commissioners for the County of Davidson," or of these amendments thereto, or any

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provisions thereof, whereby any person or officer shall be restrained from performing the duties required of him by said Act, or any amendments thereto, except on a full hearing, or bill and answer; and, in case an injunction be granted upon such hearing, an appeal may be taken to the Supreme Court, which, if taken, shall suspend such injunction until otherwise decided upon final hearing in said Supreme Court. Appeals, etc.

SEC. 24. *Be it further enacted*, That the provisions of these amendments be so amended that said Commissioners may be elected on the second Saturday in April, 1868. Election in April, 1868.

SEC. 25. *Be it further enacted*, That the corporate limits of the town of Somerville, be extended as follows: By four right lines, running east, south, west and north, with the same variation of the compass as in the original survey of the town; the north boundary line, east boundary line, and west boundary line, to be one-half mile distant from the centre of the courthouse in a direct distance; the south boundary line to be three-quarters of a mile distant from the said point; and that all that district of country within said lines and limits, is hereby declared to be within the corporation limits of said town. Corporate limits of Somerville.

SEC. 26. *Be it further enacted*, That the provisions of An Act passed March 12, 1868, in reference to County Commissioners, be applied to the County of Fayette; and all laws, or parts of laws, in conflict, are hereby repealed; and that the President of said Board of Commissioners shall have a salary of five hundred dollars *per annum;* and that the other two shall have a salary of three hundred dollars each. Fayette Co Commissioners, etc.

SEC. 27. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 13, 1868.

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CHAPTER C.

AN ACT to Incorporate the Library Association of McMinnville; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That William Butler, John B. Armstrong, John W. Mitchell, James W. Johnson, Henry Stephens, Johnson P. Clark and Willie P. Baker, all of the County of Warren, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Board of Trustees of the Library Association of McMinnville," to have succession for fifty years, sue and be sued, plead and be impleaded, in all courts of law and equity, have and use a common seal, which may be changed at pleasure, hold, use and dispose of property, real, personal or mixed, for the use an benefit of the Association to be formed under this charter, and be vested with, and exercise all the duties, powers and privileges incidental to similar corporations in carrying out the intentions of this Act.

Rights and powers.

SEC. 2. *Be it further enacted,* That the object of this Association shall be to procure by purchase, gift or devise, books, charts, periodicals and other literature, with which to constitute a public library, in the town of McMinnville, Warren County, Tennessee, for the use and benefit of the members of the Library Association of McMinnville, as a public library, together with funds and contributions for the same purpose; *Provided,* that no books, charts, periodicals, pictures or other publications, printed or written, of an immoral character, teaching or tendency, shall be introduced and used or adopted, as part of said Library.

Objects, etc.

Proviso.

SEC. 3. *Be it further enacted,* That the Board of Trustees may organize by the election, from among their own body, of a President, two Vice Presidents, Recording Secretary, Corresponding Secretary, Treasurer and Librarian, to hold their offices one year and until their successors shall be elected in the same manner, and qualified.

Organization

SEC. 4. *Be it further enacted,* That the Board of Trustees may have power to adopt by-laws, for the government of the Association, and the transaction and management of its business, with rules and regulations in the use of the Library.

By-Laws, etc.

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Vacancies.

SEC. 5. *Be it further enacted*, That, in case of vacancy in the Board of Trustees, by death, resignation, removal, refusal to serve, or expulsion, for a violation of this charter and the by-laws, said vacancy may be filled, by a majority of the members of the Association, at a regular quarterly meeting of the same, after due notice is given.

Quorum, etc.

SEC. 6. *Be it further enacted*, That any five members of the Board, including the President or a Vice President, may constitute a quorum to transact business; *Provided*, that no by-laws are enacted, nor any change be made in any existing by-laws, nor any appropriations be made, except by a full Board, and at a regular meeting, notice of which shall be given at a previous regular meeting.

Treasurer and Librarian.

SEC. 7. *Be it further enacted*, That previous to entering upon the performance of their duties, the Treasurer and Librarian shall execute bonds for the faithful performance of the same, which bonds shall be approved by the Board, and made payable to the President, and which payment may be enforced in any court of record having jurisdiction thereof.

Taxes.

SEC. 8. *Be it further enacted*, That the property of the Association shall not be subject to any taxation except as is imposed on other similar literary institutions.

Lyceum.

SEC. 9. *Be it further enacted*, That the Board of Trustees may have the right to organize, in connection with the Library aforesaid, a Lyceum, for the benefit and improvement of young men, in oratorical and polemical discussions and declamations, under such rules and regulations, as may be deemed proper, in carrying out the object and design of the same.

Brotherhood of Locomotive Engineers.

SEC. 10. *Be it further enacted*, That R. F. Hamilton, Col. Smith, A. T. Howe, H. C. Shutz, Smith Irvin, and H. T. Brass, and their successors, are hereby incorporated a body politic and corporate, under the name and style of the "Brotherhood of Locomotive Engineers," with succession for thirty-three years.

Powers and privileges.

SEC. 11. *Be it further enacted*, That said corporation shall have power to have and use a common seal, to contract and be contracted with, to acquire, hold and convey such real and personal property, as may be necessary to effect the objects of this corporation; to sue and be sued, to plead and be impleaded, to answer and be answered, and be vested with all the powers and privileges necessary to carry out the objects of this corporation.

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By-Laws, officers, etc.

SEC. 12. *Be it further enacted*, That said corporation shall also have power to establish for its government, a constitution and by-laws, not inconsistent with the laws of the State or of the United States, and make such rules and regulations, as may be necessary to carry into effect the objects of their association. The members of said corporation shall have power to elect or appoint such officers as the condition or circumstances of the corporation may require, and to prescribe their powers and duties, and to require bond and security for the faithful performance thereof, in such penal sums, and with such sureties, as they may choose, and also to prescribe the term of their office, and their salary.

Sub-Divisions

SEC. 13. *Be it further enacted*, That the provisions of this Act shall extend to all sub-divisions of the Brotherhood of Locomotive Engineers, now in existence in the State of Tennessee, or that may hereafter be organized under the direction of the Grand International Division of the Brotherhood of Locomotive Engineers.

Sumner Co. Republican Publishing Company.

SEC. 14. *Be it further enacted*, That James F. Lauck, T. M. Kinley, and their successors, be, and they are hereby, incorporated a body corporate and politic, under the name and style of the "Sumner County Republican Publishing Company;" and by that name, shall sue and be sued, plead and be impleaded; shall have a common seal, and the same to alter or change at pleasure; and, shall have all the rights, powers, privileges and immunities, subject to the same restrictions and liabilities, as are now, by law, granted to similar corporations in this State.

Goodlettsville Male and Female Seminary.

SEC. 15. *Be it further enacted*, That the name of the "Goodlettsville American High School," be changed to that of the "Goodlettsville Male and Female Seminary," and that the business of said Seminary, shall hereafter be managed by six Trustees, who shall be elected at the time prescribed in the charter.

SEC. 16. *Be it further enacted*, That this Act take effect from and after its passage

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 14, 1868.

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CHAPTER CI.

AN ACT to Incorporate the Maury County Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas W. Keesee, John W. Mays, John D. Moore, Edward Kuhn and William J. Andrews, and their associates, successors and assigns, be, and are hereby, constituted, a body politic and corporate, by the name and style of the "Maury County Manufacturing Company;" and by that name, shall have corporate succession for thirty-three years, and shall be competent to sue and be sued, in any court of law and equity whatever; to have and use a common seal, to trade, make and alter the same at pleasure; to establish and change any by-laws, for the government of said company; to purchase, hold and dispose of any such real estate, leasehold, water privilege, steam power, machinery, patent right and personal property, as may be necessary for the legitimate transaction of their business; to hew, cut, saw, plane, turn or otherwise fabricate, manufacture and vend, any wood, iron, timber or lumber, or other substances, useful in the manufacture of agricultural implements and farming utensils, or other implements and fabrications useful to persons in civilized communities; to issue such number of shares of the stock of said company, as may be ordered by a vote of the company; to determine the par value of shares; to have the right to pay in shares, of the stock of the company, for such real estate, or interest therein, or for such machinery as may be deemed necessary to purchase or lease, for the operations of said company; and generally, to have, enjoy and exercise, all the rights and privileges, incident to corporations, except to issue bank notes.

Powers and privileges.

Same.

SEC. 2. *Be it further enacted*, That each share in said company shall be fifty dollars, to be paid in by calls of ten dollars on each share of stock; said calls to be made annually at such time as may be designated by the Board of Directors.

Shares.

SEC. 3. *Be it further enacted*, That any one or more of said corporators, may open books for subscription of stock in said company, at such times and places as they may choose. When the sum of two thousand dollars has been subscribed, then said company shall proceed to organize, and elect a Directory, consisting of five,

Stock Books.

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Organization. who shall elect one of their own number, President, a Secretary, and Treasurer, to serve until the next annual meeting of the stockholders, and until their successors are qualified, and inducted into office. The annual meetings of the stockholders shall be fixed by the first Board of Directors. The Directory shall have power to dismiss any officer or agent of said company, from such position, for any malfeasance, misfeasance, or non-feasance in office, and may require bond and security, in such sums as they deem proper, from any officer or agent, conditioned for the faithful performance of all duties enjoined on such officers or agents, by the by-laws, rules, and regulations of the company. At the annual elections, a majority of the votes cast in person, or by written proxy, shall govern in elections, and in all other matters. In case of any vacancy, in any office or agency, or Directory, the Directory, or such part as remains in office, may fill such vacancy, to the the next annual meeting, or for a shorter time, at their discretion.

Management, elections, etc.

Capital Stock

SEC. 4. *Be it further enacted*, That said company may increase said capital stock, from time to time, by admitting new subscriptions, until the capital stock amounts to one hundred thousand dollars, but no more; and that said stock shall be transferred, only, on the books of said company, and then only by the consent of the Board of Directors, unless the whole amount of installments due thereon, shall have been previously paid. The company shall have power to declare forfeited to it, any stock, which may remain unpaid, in whole or in part, or it may, at its option, sue for and recover the unpaid amount, before any tribunal, having jurisdiction of such sums, first, however, giving thirty days' notice of such call having been made.

Forfeiture of Stock.

Watauga River Bridge.

SEC. 5. *Be it further enacted*, That John. H. Smith, Thomas Hamby, J. D. Pierce, Henry C. Pierce, Thos. C. White, Ezekiel Smith, Smith Campbell, and Robert Goodwin, be, and the same, are hereby, created a body politic and corporate, for the purpose of constructing a toll bridge across the Watauga river, in Carter County, at, or near Dugger's Ferry, and shall exist for thirty-three years.

Stock Books

SEC. 6. *Be it further enacted*, That said company may open company books, and receive subscriptions of stock, which shall consist of shares of twenty-five dollars; and shall have six years to complete the same, from and after the first day of January, 1869.

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SEC. 7. *Be it further enacted*, That said company, may, when said bridge is complete, enact such rules and by-laws for their government, as they may deem expedient; and upon application to the County Court, said court shall fix the rates of toll. By-Laws, etc.

SEC. 8. *Be it further enacted*, That John D. Brooks, and John Curry, be appointed additional Commissioners of the "Rogersville and Sneedsville Turnpike Company." Rogrsv. and Sneedsville Turnpike Co.

SEC. 9. *Be it further enacted*, That "An Act to incorporate the East Tennessee Marble Company, for the purpose of mining, quarrying, and for other purposes," passed February 17, 1868, be so amended, in its fourth section, that its capital stock shall be fifteen thousand dollars, to be increased to two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each. East Tenn. Marble Co.

SEC. 10. *Be it further enacted*, That An Act entitled "An Act supplementary to An Act to incorporate, in the County of Williamson, the Franklin and Liberty Turnpike Company, and for other purposes," passed February 1, 1860, Chapter 54, beginning with section 34, be so amended, as to allow said company two years in which to begin the work on said road, and six years in which to complete it, and to authorize said company, to run said road to such point, on the Harpeth Turnpike road, between Owen's Shop and the residence of Joseph Wilson, as the Directors may think best, with the privilege of extending it eastwardly, at any time within six years given for its construction; and if so extended, the period of six years from its extension shall be allowed to complete that part of said road. Franklin and Liberty Turnpike Co.

SEC. 11. *Be it further enacted*, That C. L. Porter, J. C. Rodemer, T. McKinley, James F. Lauck, and their associates, successors and assigns, be, and they are hereby, constituted and appointed a body politic and corporate, under the name and style of the "Union Manufacturing Company, of Sumner County;" and that all the provisions of this Act, be, and the same are hereby, extended to said company. Union Manf'g Co. of Sumner Co.

SEC. 12. *Be it further enacted*, That Milton Green, J. Woodard, Jo. C. Stark, and John S. Hart, their associates, successors and assigns, be, and they are hereby, declared to be a body politic and corporate, under the name and style of "Sulphur Fork Manufacturing Company," with all of the rights, powers and privi- Sulphur Fork Manf'g Co.

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leges, and subject to all the restrictions imposed upon the Maury County Manufacturing Company, by this Act.

Jacksboro', Powell's Valley & Cum. G'p Turnpike Co.

Rights, privileges, etc.

State Stock.

Act of Dec. 11, etc., repealed.

SEC. 13. *Be it further enacted*, That James M. Bilin, Jonathan Linsey, Reuben Rogers, Henry Myers, Eli Brown, John Meadows, George Heatherly, O. T. Clibourn, and James J. Maris, and their successors in office, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Jacksboro', Powell's Valley & Cumberland Gap Turnpike Company." The work upon said Jacksboro', Powell's Valley & Cumberland Gap Turnpike, to commence on the Knoxville & Kentucky Railroad, at the most convenient and practicable point; thence running up the Valley, by Jacksboro' and Fincastle, in the direction of Cumberland Gap. Said company to have all the rights and immunities incident to incorporations, for the purpose of grading, McAdamizing or graveling said turnpike road, for the purpose of constructing a turnpike road from the Knoxville & Kentucky Railroad, near Jacksboro', in Campbell County, Tennessee, to Cumberland Gap, with all the rights, powers and privileges provided for the various turnpike companies incorporated by An Act passed May 24th, 1866, "To incorporate the Tennessee & Pacific Railroad Company, and for other purposes." And that forty-five thousand dollars of the remaining stock of the State in the East Tennessee & Georgia Railroad Company, be, and the same is hereby, set apart to said Jacksboro', Powell's Valley & Cumberland Gap Turnpike Company, in trust for the building said turnpike road, subject to all the liens and conditions, and under all the provisions prescribed by the said Act of May 24th, 1866, entitled "An Act to incorporate the Tennessee & Pacific Railroad Company, and for other purposes," for the turnpike companies therein mentioned.

SEC. 14. *Be it further enacted*, That sections 6 and 7, of An Act passed December 11, 1866, be, and the same are hereby, repealed; and so much of An Act, passed May 24, 1866, and so much of An Act passed May 26, 1866, as may come in conflict with this Act, is, by this Act, repealed; and that the consolidation of said companies is hereby dissolved, and that the fund therein appropriated, is hereby separated and divided, and so much as may fall to the share of Jacksboro', in an equitable division of said fund, be set apart and appropriated to the Jacksboro', Powell's Valley & Cumberland Gap Turnpike Road.

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State Stock to Sneedsville & Rogersville Turnpike Co.

SEC. 15. *Be it further enacted*, That there shall be allowed and appropriated to Sneedsville & Rogersville Turnpike Company, ten thousand dollars of the stock of the State in the East Tennessee & Georgia Railroad Company, subject to the same liens and provisions as are provided by An Act for the stock therein provided for said turnpike company; *Provided*, the appropriations of the stock in the East Tennessee & Georgia Railroad Company, herein made, shall not interfere with the appropriations of the same, heretofore made; *Provided*, no claim shall arise on the State Treasury, in the event all the stock of the State in said East Tennessee & Georgia Railroad Company may have been appropriated previous to the passage of this Act.

Gr't. Western Life Insur.Co.

SEC. 16. *Be it further enacted*, That Robert Bage, John H. Bird, N. W. Canfield, Thomas B. Kerr, Frederick W. Macy, A. Southwicks, and Thos. F. Richards, their assigns and associates, be, and they are hereby, constituted a body corporate and politic, under the name and style of the "Great Western Life Insurance Company;" and as such, shall sue and be sued, and shall be entitled to all the rights, privileges and franchises, and be under all the pains, penalties and liabilities, imposed upon the Southern Life Insurance Company of Memphis, or similar incorporations chartered by this General Assembly.

South. & Ala. Railroad.

SEC. 17. *Be it further enacted*, That the Counties of Franklin, Lincoln and Warren, be, and they are hereby, authorized to appropriate to the Southern & Alabama Railroad, a sum not to exceed the sum of fifty thousand dollars, on the same terms and in the same manner as the County of Wilson was authorized to issue stock or bonds to the Tennessee & Pacific Railroad Company.

Election of Directors for N., M. & S. Turnpike Co.

SEC. 18. *Be it further enacted*, That the election of the Directors or Commissioners of the Nashville, Murfreesborough & Shelbyville Turnpike Company, shall be hereafter held at Nashville, on the third Wednesday in October, in each and every year.

State Stock to Knox. & Taz. Turnpike Co.

SEC. 19. *Be it further enacted*, That section 40, of An Act passed May 24, 1866, "To incorporate the Tennessee & Pacific Railroad Company, and for other purposes," be so amended, that the additional sum of twenty-five thousand dollars of the stock of the State in the East Tennessee & Georgia Railroad Company, be appropriated to the Knoxville & Tazewell Turnpike Company, for like purposes, and subject to the same

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liens, and under the same provisions provided for the stock in the Act appropriating to the said Knoxville & Tazewell Turnpike Company; *Provided*, that the proceeds of said twenty-five thousand dollars of said stock shall be applied and expended in and upon that part of said turnpike road, commencing at Maynardsville, and proceeding in the direction of Knoxville.

Proviso.

Additional Commiss'ers.

SEC. 20. *Be it further enacted*, That L. R. Carden, Harden Skaggs, John F. Huddleston, Sr., John A. Smith, M. V. Nash, R. J. Carr, and Josiah Smith, be, and they are hereby, made and constituted additional Commissioners and corporators of the Knoxville & Tazewell Turnpike Company.

Nat. Dis. & D. Bank of Chat.

SEC. 21. *Be it further enacted*, That "An Act to incorporate the National Discount and Deposit Bank of Chattanooga," passed December 6, 1866, be, and the same is hereby, amended, so as to read "five hundred thousand dollars," instead of five hundred dollars, the amount of capital stock, as provided in said charter.

SEC. 22. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 14, 1868.

CHAPTER CII.

AN ACT to Amend the Charter of the Town of Morristown.

May issue corp'n Bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Board of Mayor and Aldermen shall have power, for the purpose of making any public improvement that may be deemed necessary for the town, or of acquiring any property for the public use of the town, to issue the bonds of the corporation, bearing interest not to exceed six per cent. *per annum*, and having not more than twenty years to run; but this authority shall not be exercised unless the ordinance authorizing the same shall first

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be submitted to the vote of the qualified voters of the corporation, at an election to be held under direction of said Board for that purpose; and after giving ten days' notice of the time and place of election, by written notices, posted at four public places within the corporation; and, if a majority of those voting, decide against the proposition, the bonds shall not be issued. Same.

SEC. 2. *Be it further enacted*, That the annual assessment of property for State and county purposes in the County of Shelby hereafter made, shall be the assessment, also, for the corresponing year for the city of Memphis, to the extent of the property within said city; and that the officer to whom the State and county assessment returns are, by law, made, shall immediately on receiving such returns, make a certified copy thereof to the extent aforesaid, and transmit it to the Mayor of said city, who shall immediately lay the same before the Board of Aldermen; whereupon, the said Board shall proceed to fix the percentage of tax to be collected thereon for corporate purposes; and shall cause publication to be made in one or more city papers, notifying the tax payers that within one month after such notice, on application, improper valuations of property may, and the same thereupon appearing to the Board, shall be, corrected; and the collector of said taxes, and all other collectors of city revenue, shall pay over the same, in kind so far as collected, on Monday of each week, to the officer, by law, authorized to receive the same, with a statement under oath, showing each item of collection, and from whom made, and when made, and retaining such percentage thereof as said Board shall have previously allowed for compensation, and taking receipts for the payments so made. Memphis and Shelby County taxes. Board to fix per c'tge and give notice. Statement.

SEC. 3. *Be it further enacted*, That said city shall pay for the copy aforesaid, the same fees that are allowed by law for transcripts of records; also, ratably with the county, the expenses of said assessment; and any description of real estate in said city as being part of any given lot therein, shall be a sufficient description of the part of said lot on which the taxes are unpaid. Fees.

SEC. 4. *Be it further enacted*, That the time at which the State and county taxes are, or shall be, due by law, shall, also, be the time when the city taxes shall be due; and the same powers, penalties and provisions of law, now or hereafter existing for and concerning the collection of State and county taxes, shall When taxes are due, etc.

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be applicable, also, to the collection of city taxes; and the same shall be applied by the authorities and officers of the city as fully as by those of the State and county, and the same rights shall obtain thereunder; and these provisions shall apply to the taxes unpaid as well as to those hereafter to be levied.

Same.

SEC. 5. *Be it further enacted*, That the said Board shall, at the beginning of each corporate year, levy a special tax to pay the interest on the bonds of the city of whatever description, which said tax shall be collected in money, and held for the sole purpose of paying said interest; and said interest shall be paid in equal parts, semi-annually, payable on the 25th days of May and November; and if not paid within thirty days from either date, then a penalty of five per cent. shall be imposed on the amount of taxes due for said interest; and the property on which said interest tax is levied, shall, also, be subject to the same powers, penalties and provisions of law now and hereafter existing for the collection of State and county taxes.

Special tax.

Failure to pay

SEC. 6. *Be it further enacted*, That all laws in conflict herewith are hereby repealed.

SEC. 7. *Be it further enacted*, That the Commissioners of Shelby County shall be authorized to issue bonds to the amount of three hundred thousand dollars, to be used exclusively for the purpose of retiring the indebtedness of said county, and for no other purpose whatsoever. Said bonds shall bear date at the time of their issuance, and shall become due on or before the first day of December, 1883—coupons shall be attached to said bonds providing for the payment of interest at the rate of (8) eight per cent. *per annum*, to become due semi-annually, to-wit: On the first days of May and November of each and every year until the maturity or payment of said bonds. And said coupons shall be payable at such place as the Commissioners of Shelby County may designate.

Shelby Co. to issue bonds.

Description.

SEC. 8. *Be it further enacted*, That said bonds with coupons attached, shall be issued in sums of one hundred dollars, five hundred dollars, and one thousand dollars; and said bonds shall be signed by the President of the Board of Commissioners, and countersigned by the Clerk of the County Court of Shelby County; and said interest coupons shall be signed by the Clerk of said county alone.

Size of bonds.

SEC. 9. *Be it further enacted*, That a special tax shall be annually levied, to be paid only in cash, for

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the purpose of providing for the interest on said bonds; and after the expiration of three years from the date of said bonds, a further special tax shall be annually levied, to be paid only in cash, which special tax shall be for the purpose of providing a sinking fund for the payment of said bonds; and after the year 1871, at such date as the Board of County Commissioners shall then determine, advertisement shall then be made that a certain amount of funds is ready for payment on a part of said bonds, and said bonds shall be paid either in the order of their numbers, or otherwise, as the Board of Commissioners may elect. Special Tax. Payments.

SEC. 10. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 14, 1868.

CHAPTER CIII.

AN ACT to Amend An Act Incorporating the Church and Spruce Street Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 3, of An Act entitled "An Act to incorporate the Church and Spruce Street Railroad Company," be, and is hereby, amended, so that it shall read as follows, viz: That the capital stock of this company shall be twenty-five thousand dollars, with the privilege of increasing the same to any amount, not exceeding three hundred thousand dollars, divided into shares of twenty-five dollars each. Capital stock.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 14, 1868.

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CHAPTER CIV.

AN ACT to Incorporate the Nashville Colored Benevolent Society.

Corporators

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Adam Young, R. D. Campbell, Robert Dickerson, Thos. Campbell, Ephraim Pickett, Henry Stockard, Armstead Shelby, Major Allen, T. J. Bell, George Dickerson, Mike McKay, Jerry Mallory, Daniel Williams, and all others who are now, or who may hereafter be associated with them, are hereby declared a body corporate, under the name and style of the "Nashville Colored Benevolent Society."

Purposes, objects, etc.

SEC. 2. *Be it further enacted*, That said society shall afford relief and assistance to its members, and of the needy of their race in the City of Nashville, in cases of sickness, death, or disability to work; and also, for the providing for the support of the needy widows and orphans of their race in the City of Nashville, and County of Davidson, and may establish branch societies, for like purposes, in the different portions of this State.

Rights and privileges.

SEC. 3. *Be it further enacted*, That said society shall, by the name and style set forth above, have succession for ninety-nine years, and be capable of suing and being sued, in all courts of record and elsewhere; of having a common seal, and the same to make, break or alter at pleasure, of acquiring and holding estate, real or personal, and the same to buy, exchange, sell, or mortgage, as the Board of Trustees of said Society may deem expedient; and said society shall be capable in law, of recovering or holding all manner of property, whether by donation, bequest, or in any other manner or form; *Provided, however*, the same does not exceed one hundred thousand dollars in value; *and provided*, the same can only be purchased, held, received or transferred for the purposes named in section 2, of this Act.

How manag'd

SEC. 4. *Be it further enacted*, That the affairs of this society shall be conducted by a Board of Directors, to be composed of a President, six Directors and a Secretary, who shall act as Treasurer; all of whom shall be elected to office annually, on the second Monday of March of each year, of whom, five shall con-

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stitute a quorum; and said Board of Directors shall continue in office one year, or until a new election is held.

SEC. 5. *Be it further enacted*, That said society shall have power to make such by laws for the government of said society as shall seem best to them from time to time, for the admission of members, or otherwise.

SEC. 6. *Be it further enacted*, That this Act, from and after its passage, shall be a substitute in all respects and purposes, for the Act passed May 22, 1866, entitled "An Act to incorporate the Nashville Benevolent Society;" and said Act, on the passage of this Act, is hereby, declared repealed. Substitute for Act of May 22, '66.

SEC. 7. *Be it further enacted*, That until an election be held on the second Monday of March, 1868, the present officers of said society as by its records, shall act as its Board of Directors. Officers.

SEC. 8. *Be it further enacted*, That Nelson McGavock, Alexander McEwen, J. Lee Moore, Samuel Young, Joseph Nelson, James A. Player, and Wm. A. Sumner, and their successors in office, be, and they are hereby, constituted a body politic and corporate, by the name and style of "St. John's Chapel of the African Methodist Episcopal Church, of the City of Nashville," with power to sue and be sued, plead and be impleaded, to answer and be answered, in all kinds of suits and actions, and to do and perform all other acts and things which such bodies corporate may lawfully do. Said corporation shall have power to receive by gift, donation or purchase, and hold, property, personal, real and mixed, to sell, exchange, mortgage, or otherwise dispose of the same, in such manner, as in its judgment may best subserve the interest of said church. St. John's Chapel of the Af. M. E. Ch.

SEC. 9. *Be it further enacted*, That said corporation shall have power to pass all by-laws which may be necessary, to carry out the objects of the same; to adopt for its government, a constitution and all such rules and regulations as said corporation may deem necessary; *Provided*, that by-laws, regulations, etc., shall not be inconsistent with the Constitution and laws of the State of Tennessee. By- Laws, etc.

SEC. 10. *Be it further enacted*, That F. S. Davis, James D. Slack, C. P. Norris, Wm. H. Passmoore, J. E. Bigelow, and their associates and assigns, be, and they are hereby, incorporated into a body politic, under the name and style of the "Tennessee Benevolent and Loan Association," with all the rights, franchises, powers and privileges conferred upon the Nashville Loan and Sa- Tenn. Benev'. and Loan Association.

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vings Bank, by An Act of the General Assembly of the State of Tennessee, passed February 27, 1867, including the right to loan money upon personal security and the pledge of goods and chattles, by such agencies and established officers as the business may require, and upon such terms, conditions and rates as may be agreed upon between the parties; *Provided*, that the corporation herein named shall be the Directors for the above for one year from the passage of this Act.

Powers and privileges.

SEC. 11. *Be it further enacted*, That this Association shall have power to sell forfeited pledges, in such manner as they may, by by-laws prescribe, and out of the proceeds, to pay the costs and expenses of selling the same, and apply the balance to the payment of the original debt—the balance, if any, thereof, to stand to the credit of the pawner, for the space of one year, unless sooner called for—but, if not called for within that time, the same to be forfeited to the Association for the benefit of charities hereinafter named.

Forfeited pledges.

SEC. 12. *Be it further enacted*, That one per cent., annually, of the net proceeds of the business of the Association, shall, on the 1st day of January of each year, be paid into the hands of the County Trustee of Shelby County, for the benefit of the Shelby County Poor House, and the Memphis City Hospital, in equal proportions; and any neglect to comply with the provisions of this section, for the space of sixty days, shall work a forfeiture of this charter. This Act to take effect from and after its passage.

Net proceeds, how applied.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 14, 1868.

CHAPTER CV.

AN ACT to Incorporate the Mount Verd Manufacturing Company; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Alexander Cleage and Charles L. King, their associates, successors and assigns, are hereby created and constituted a body cor-

Corporators.

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porate and politic, under the name and style of the "Mount Verd Manufacturing Company," and shall have succession for ninety-nine years; by said name may contract and be contracted with, sue and be sued, plead and be impleaded, in any court of law or equity; may adopt and use a common seal, changeable at the pleasure of the company, and have and enjoy all the privileges and rights incident to corporations. Rights, etc.

SEC. 2. *Be it further enacted*, That said company may acquire and hold, by purchase, lease or rent, any real or personal property, necessary, proper or convenient to carry on the business, or any part thereof—may sell, convey, exchange, lease or rent the same, or any part thereof, at any time or times, during the continuance of this charter. May hold property.

SEC. 3. *Be it further enacted*, That the purpose, business and objects of said company, are, to procure all material, implements, machinery and tools, necessary, proper or convenient, for the purpose of manufacturing cotton-jeans, and any and all cotton and woolen goods, or fabrics made in whole or in part of wool or cotton—to manufacture in any way or by any means, all such articles of manufacture, or any of them—any machinery or part of machinery—any corn meal or flour—any lumber, or any products of saw or grist mills—to use, barter, sell or exchange the same at their places of business in McMinn County, Tennessee, or elsewhere. And said company is hereby fully empowered and authorized to do and perform all such acts or any of them, and to erect buildings—and do any and all things which are necessary or convenient, in, about or concerning such business, purposes and objects. And said company may make or have executed to them, mortgages or deeds of trust on real or personal property, or both, when necessary and profitable in their business, in order to secure debts due or to become due, by or to said corporation. Business and purposes. Powers, etc.

SEC. 4. *Be it further enacted*, That said company may ordain and establish, from time to time, alter and amend, such by-laws, rules and regulations for the government of their affairs, as the company may deem proper, and which shall not contravene this charter and the laws of the land. By-Laws, etc.

SEC. 5. *Be it further enacted*, That said corporators may open or have opened, under the supervision of any one or more of their number, books for subscrip- Books.

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tion of stock in said company, at such times and places as they may choose; that the capital stock of said company shall [not] be less than thirty thousand dollars, and shall not exceed four hundred thousand dollars—to be divided into shares of five hundred dollars each. When the sum of thirty thousand dollars has been subscribed, then said company shall proceed to organize and elect a Board of Directors, consisting of three, separately, the first of whom shall be President; which Directory shall elect or choose such other officers and agents as may be necessary, and fix their salaries; that said Board of Directors shall continue in office for one year, or until their successors are elected. A majority of the Board of Directors shall constitute a quorum to transact business, and may declare and pay dividends upon the shares, out of the profits of said company, from time to time. In case of any vacancy in any office or agency, the Directors, or such part as remain in office, may fill such vacancy to the next annual meeting, or for a shorter time, at their discretion; and the said Directory may dismiss any officer or agent of said company from such position, for malfeasance, misfeasance or nonfeasance in office, at their discretion. The stockholders may empower the Directory to change the rules and regulations, if so desired. The annual meeting of said stockholders is hereby fixed to take place on the first Thursday in August in each and every year, for the purpose of holding elections for said Board of Directors, and for the transaction of any business of the corporation under this charter. A failure to elect Directors on the day designated, shall not make a dissolution of this corporation, but such elections may be held at a subsequent time, to be fixed by the Board of Directors; at which meeting each stockholder shall be entitled to one vote for each share held and owned by him, and may vote either in person or by written proxy—a majority of the votes cast, shall govern in elections and in all other matters.

Capital Stock.

Organization.

Vacancies, etc

Annual Meetings.

Elections.

SEC. 6. *Be it further enacted*, That each subscriber for stock in said corporation, shall be individually liable only for the amount by such person subscribed, and only until the amount so subscribed is paid in. The said company may increase its capital stock, by admitting new subscriptions at any time, which stock shall be deemed personal estate, and tranferable in such

Liability of Stockholders, etc.

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manner as the by-laws may direct. Subscriptions may be paid in cash, or in real estate or personal property, as may be agreed upon.

Duties of Directors.

SEC. 7. *Be it further enacted*, That it shall be the duty of said Board of Directors, to provide for the proper transfer of stock owned by the stockholders—to keep, or have kept, a Stock Book, in which shall be entered the name and residence of each stockholder, and the amount of stock owned by each, the amount paid in, the transfer of all shares of stock, with date, and to whom made; also, books showing the assets of said company, of what the same consists, the receipts and expenditures of the same—all of which shall be subject to the inspection of any of the stockholders at all times, and of which a proper exhibition shall be made at each annual meeting.

Franklin Iron Company.

SEC. 8. *Be it further enacted*, That Geo. J. Lewis, Henry H. Erwin, Edward H. Lewis, Thomas F. Mosley, and Samuel Smith, shall be, and are hereby, constituted a body politic and corporate, for the purpose of manufacturing iron and nails, in the County of Franklin and State of Tennessee, by the name and style of the "Franklin Iron Company;" and by that name may have perpetual succession—may sue and be sued—may contract and be contracted with—may have a common seal—may purchase and hold such real and personal estate as they may deem necessary in the business of the corporation, and the same to sell or dispose of at pleasure—and may make all needful by-laws for the government, and for conducting their business.

Capital Stock.

SEC. 9. *Be it further enacted*, That the capital stock of said company shall consist of two thousand shares, and the incorporators shall designate and determine what portion of said stock shall be paid in land, and the value thereof, and what portion in cash—which stock shall be deemed personal estate, and transferable on the books of the company.

Failure to pay in Stock.

SEC. 10. *Be it further enacted*, That if any subscriber for stock, shall fail to pay the amount subscribed, in such manner as may be prescribed by the corporators, the same may be recovered by action of debt, in any court of record, or such stock shall be sold upon such terms as may be determined upon by the corporators.

Management.

SEC. 11. *Be it further enacted*, That the business affairs of the said company, shall be managed, as may

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be determined by the stockholders, in their by-laws. Every stockholder shall be entitled to one vote, for every share held by them respectively, and may vote in person or by proxy.

Subscription Books, etc.

SEC. 12. *Be it further enacted*, That books for the subscription of stock in said company, shall be opened at one or more places, in Franklin County, under the superintendence of the following named Commissioners: George J. Lewis, H. H. Ervin, E. H. Lewis, a majority of whom, shall have power to perform the duties of their appointment. Said Commissioners shall, at such times as may be convenient, give five days' notice of the time and place of opening said books.

Dividends.

SEC. 13. *Be it further enacted*, That a dividend of the profits of said corporation, shall be made annually or semi-annually, as shall be thought best by those conducting the business of the company, but no stockholder indebted to the corporation shall receive a dividend, until such debt is paid.

Organization.

SEC. 14. *Be it further enacted*, That when five thousand shares are subscribed, and ten per cent. or ten dollars per share is paid in, then the company may organize and begin operations.

Atlantic, Tenn. and Ohio R. R. Co

Sec. 15. *Be it further enacted*, That whenever the number of shares required to form the company chartered by An Act passed at the present session, December 14, 1867, entitled "An Act to amend the charter of the Atlantic, Tennessee & Ohio Railroad Company," shall have been subscribed, said company shall be regarded as formed, whether the said shares were subscribed within, or subsequent to the thirty days', during which books are required to be kept open; and any previous irregularity in this respect, in the action of either Board of Commissioners named in said Act, is hereby legalized.

Calumet Manufacturing Co

SEC. 16. *Be it further enacted*, That Hugh W. McElwee, Frank B. McElwee, and their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, under the name and style of the "Calumet Manufacturing Company;" and that they be allowed the same rights and privileges, and subject to the same restrictions, of the "Mount Verd Manufacturing Company," and the capital stock of the said Calumet Manufacturing Company, shall not be less than ten thousand dollars, but may be increased to one hundred thousand dollars.

SEC. 17. *Be it further enacted*, That V. M. Metcalf,

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J. M. Hamilton, S. B. Spurlock, D. Weaver, and J. Metcalf, or a majority of them, and such other persons as may hereafter be associated with them, and their successors, be, and they are hereby, made and constituted, a body corporate, in fact and in name, under the style and title of the "Tennessee Manufacturing Company;" and by that name, shall be, and are hereby, made able and capable in law, to have, hold, receive, purchase, possess and enjoy, to them and their successors, all real and personal estate, of whatever kind or amount said corporation may deem necessary to carry all the objects of said corporation, into full force and effect; and may sell, grant, or convey, or otherwise dispose of the same; and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts having competent jurisdiction; to make, use, and have, a common seal, and the same to break, alter, and renew at pleasure, and to do all other acts incident to a body corporate and politic.

Tenn. Manufg Company.

Rights and privileges.

SEC. 18. *Be it further enacted*, That the objects of said corporation shall be, for the manufacture of cotton, or wool, or any other material, into thread, cloth, or other fabrics; and to build machinery of any description, or to do any kind of work, they may think proper to engage in. Said corporation may locate their place of business, at any point in the State of Tennessee, which they may deem most practicable.

Objects, &c.

SEC. 19. *Be it further enacted*, That the said body corporate, shall have the power to prescribe the number of shares, into which the capital stock of said corporation shall be divided, the mode in which it may be taken, paid, transferred and assigned; and also to provide the mode by which stockholders may vote, and the number of votes to which each share shall be entitled; and the rules adopted, shall be uniform, equally securing the rights of each stockholder; and also to provide for the election of such officers as may be deemed necessary, for the government and management of the affairs of the corporation; to ordain, establish, and put in execution, such by-laws, ordinances, and resolutions, as they may deem necessary or expedient for the government of said corporation, and not inconsistent with the Constitution and laws of the State of Tennessee, or of the United States; and generally to do and execute all and singular, the acts, matters, and things, which may be necessary, to carry on the business of manufacturing.

Capital Stock.

Government, Rights, etc.

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Same.

SEC. 20. *Be it further enacted*, That said corporation, shall have power, to borrow money on mortgage, or other security, and to loan out its earnings, on similar security, or mortgage; and to ordain such rules and regulations with respect to stockholders who fail, or refuse to pay up any balance on their stock, as will compel them to pay, upon penalty of forfeiture of such stock, to said corporation; *Provided*, that no stockholder, shall be liable, beyond the amount of his, her, or their unpaid stock.

Capital Stock

SEC. 21. *Be it further enacted*, That the capital stock of said company, shall be fifty thousand dollars, with the privilege of increasing it to one million of dollars, and that fifty thousand dollars shall be subscribed, and ten per cent. paid in, before commencing business.

Shelby Co'ty, Plots of ground, etc.

SEC. 22. *Be it further enacted*, That all persons, or parties, who have heretofore sub-divided, and sold lands in lots, in the county of Shelby, and State of Tennessee, and have not filed plots, with the proper officer for registration, shall, within six months from the passage of this Act, so file their plot or plots, for record, duly certified, as above; and a neglect or failure to do so, shall subject the delinquent to a fine, of not less than $100, nor more than $500, for each survey and plot, to be recovered, in any court of law or equity, on complaint of any party interested—the money to go into the county treasury.

Duty of Register.

SEC. 23. *Be it further enacted*, That the Register of Shelby County, shall, as early as practicable, procure a proper plot book or books, and have correctly and neatly copied, and alphabeted, each and every plot, now filed in his office, and that may hereafter be filed, charging and collecting legitimate fees from the respective parties for such work.

Memph. Agr. & M'fg Co.

SEC. 24. *Be it further enacted*, That J. J. Powers, F. S. Davis, George M. Greely, James Fagg, E. W. Wickersham, and J. H. Mitchell, their associates and assigns, are hereby incorporated a body corporate and politic, under the name and style of the "Memphis Agricultural and Manufacturing Company;" may manufacture agricultural implements, and any and all other articles of whatever kind, out of any and all substances, said company may designate; may sue and be sued, plead and be impleaded, have and use a common seal; may make such rules, regulations, and by-laws, as will best promote the interest of said corporation; and shall have succession for a period of thirty-three years.

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SEC. 25. *Be it further enacted*, That the capital stock of said corporation, shall be fifty thousand dollars, divided into shares of fifty dollars each; *Provided*, said capital stock, may be increased, from time to time, by a vote of a majority of the Board of Directors, to a sum, not exceeding five hundred thousand dollars. Each share of stock shall be entitled to one vote, which may be voted, either in person or by proxy. Capital stock.

SEC. 26. *Be it further enacted*, That any two of the corporators above named, or their assigns, may open books for subscription to the capital stock, and when the sum of fifty thousand dollars of stock shall have been subscribed, the stockholders shall elect five of their number as a Board of Directors, who shall serve for one year, or until their successors shall be elected. Said Board of Directors shall have power to elect or appoint any and all officers they may desire. Subscription books, etc.

SEC. 27. *Be it further enacted*, That said corporation may buy, hold, or lease, any real estate actually necessary for carrying on their business, and if not used for said purpose, may sell the same. Real estate.

SEC. 28. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 14, 1868.

CHAPTER CVI.

AN ACT to Incorporate the Fayetteville and Wells Hill Turnpike Company, of Lincoln County, Tennessee; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That W. H. Moores, Frank Fulton, Theo. Harris, George W. Higgins, and Alfred Bearden, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Fayetteville & Wells Hill Turnpike Company," with the power and for the purpose of building a Corporators.

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Purpose.

turnpike road from the South terminus of the Stone Bridge across Elk River, at Fayetteville, in Lincoln County, Tennessee, to the top of Wells Hill, a distance of five miles.

Subscription books.

SEC. 2. *Be it further enacted*, That they shall have the power and authority to open books for subscription at such times and places as they may choose, for the purpose of obtaining stock to aid in the building of said road, each share not to be less than twenty-five dollars.

First meeting for election of Directors.

SEC. 3. *Be it further enacted*, That as soon as a sufficient amount to build said road shall be subscribed, any three of the Directors, as aforesaid, may call a meeting of the stockholders, at the court-house in the town of Fayetteville, or any other convenient place; and at said meeting the stockholders shall proceed to elect five Directors, who may, when elected, choose a President out of their number, and such other officers as they may deem necessary.

Location, etc.

SEC. 4. *Be it further enacted*, That said President and Board of Directors, when elected, may, if necessary, solicit additional subscriptions for said road; and shall, by themselves or by some competent person by them appointed, make, lay off and locate, said road, and the laying off and building said road in a public highway shall be regarded as a surrender or abandonment of the latter; and no other road or public highway shall be opened running parallel to said turnpike so as to injure the same.

Contracts.

SEC. 5. *Be it further enacted*, That the President and Directors shall have power, at any time, after their election; to put under contract the said road, or any portion of it, in parcels great and small, to contractors, if they should think best.

Description.

SEC. 6. *Be it further enacted*, That said President and Directors shall cause said road to be graded at least eighteen feet wide, with ditches on either side when necessary, and graveled or McAdamized—the whole to be a good, smooth, and firm road of not more than six degrees.

Bridges, etc.

SEC. 7. *Be it further enacted*, That said President and Directors shall be required to make bridges, or good culverts, across all running streams; and they shall follow as near as possible in making, laying off and building said turnpike road, the bed of the Fayetteville & Huntsville district road, leading from Fayetteville to the top of Wells Hill.

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SEC. 8. *Be it further enacted*, That a majority of said Directors shall always constitute a quorum to transact any and all business, and a majority of the stockholders in interest and numbers shall constitute a quorum for the election of the first Directors which are to be elected, and for the transaction of all business at that meeting; and the Directors so elected shall hold their offices for one year, and until their successors are elected; and at all subsequent elections a majority of those present and voting, shall control the elections. Quorum, etc.

SEC. 9. *Be it further enacted*, That the stock of said company shall be divided into shares of twenty-five dollars; and one share thereof shall entitle the owner thereof to one vote in all elections, and in all matters of the company to be determined by elections; and should the corporation of Fayetteville subscribe stock in said road, the Mayor of said town shall be entitled to represent said interest at the rate of twenty-five dollars to each share, and each share entitled to one vote in any and all elections of said company. Shares, voting, etc.

SEC. 10. *Be it further enacted*, That the President and Directors of said road, as soon as the same is completed, shall be allowed to put one gate on said road wherever they may think best, and be allowed to fix their rates and charges as follows: For one man, on horseback, five cents; buggy with one horse, or other one-horse vehicles, ten cents; two-horse wagon, fifteen cents; four-horse wagon, twenty-five cents; six-horse wagon, thirty cents; loose horses or cattle, per head, two and-a-half cents; hogs, sheep and other stock, per head, one cent; *Provided*, that all citizens, or any others, who may strike said turnpike road by way of the Camargo or Tucker's Creek road, shall only be charged half the above rates, whether they travel by buggy, with wagons, or otherwise. Gates. Toll.

SEC. 11. *Be it further enacted*, That the rates specified in the tenth Section of this Act shall not be increased by said President and Directors, but they may at any time they think proper, reduce the same to a more moderate and uniform rate. Same.

SEC. 12. *Be it further enacted*, That the right of way to build said road up the Wells Hill may be obtained in the same way and under the same regulations that the right of way is obtained for the Nashville & Chattanooga Railroad should it be necessary; and if application for damage is not made in one year after the completion of that part of the road, the claims Right of way

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shall be regarded as abandoned, and said President and Directors, nor their successors in office, shall be liable for the same.

Powers.

SEC. 13. *Be it further enacted*, That said company, when organized in pursuance to the provisions of this charter, shall have power to plead and be impleaded, to sue and be sued, and do any and all business whatsoever, connected with the building of said turnpike road.

Repairs.

SEC. 14. *Be it further enacted*, That said President and Directors, and their successors in office, shall, after the completion of said turnpike road, keep the same in good repair and free from any and all obstructions of any kind whatever.

Post Oak Spring Turnpike Co.

SEC. 15. *Be it further enacted*, That Samuel Ladd, R. A. Renfro, Henry McPherson, of Roane County, and their associates and successors, under the name and style of the "Post Oak Spring Turnpike Company," are hereby declared a body corporate and politic, under the laws of Tennessee, with succession for thirty years, with capacity to have and hold to themselves and their successors, such property as is necessary and proper to accomplish the object of this Act.

Route and character of road.

SEC. 16. *Be it further enacted*, That the said company, are hereby, authorized to open a turnpike road, commencing at the North-West bank of Clinch River, opposite the town of Kingston, running on the bed of the old stage road, to intersect with Burk's Turnpike Road, at the foot of Walden's ridge, near Joseph Kimbro's, a distance of twelve miles; and to open said road twenty feet wide—to be sixteen in the center—to be clear of all obstructions, and be bridged and causewayed, when necessary, upon the sides of hills or mountains; when the nature of the ground is such that it cannot be extended to the width herein required, said road may be reduced, by consent of the Commissioners hereafter provided for, to any width not less than twelve feet, clear of stumps, rocks, runners, or other obstructions.

Neglect to keep in repair

SEC. 17. *Be it further enacted*, That said road shall always be kept in repair, and if it shall be permitted to remain out of repair for the space of thirty days at any one time, then it shall be the duty of the Commissioners to set said proprietors' gate open and keep the same open until said road shall be put in good repair—to be adjudged by the said Commissioners; and if said proprietors shall, either directly or indirectly,

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take or receive any toll during the time said Commissioners set said gate open, said proprietors, for every such offense, shall forfeit and pay the sum of twenty-five dollars, to be recovered by action of debt, before any Justice of the Peace having jurisdiction of the same, by any person who will sue for the same; and if said road shall be permitted to remain out of repair, for the space of six months, at any one time, after the Commissioners have set said gate open, said charter shall be forfeited. Same.

Sec. 18. *Be it further enacted*, That it shall be the duty of the County Court of the County of Roane, upon application of said incorporators, to appoint three Commissioners whose duty shall be to examine said turnpike road, and see that said road is made in accordance with the provisions of this charter. If they find the road in proper repair, shall issue to the corporators a certificate to open their gate and receive tolls as hereafter set forth. Said Commissioners, before entering upon the duties of their office, shall subscribe and take the following oath of office, viz: I do solemnly swear, I will well and truly perform, the duties enjoined on me by this Act, according to the best of my knowledge and ability: So help me God. And said Commissioners shall be entitled to receive two dollars per day, for the time they are engaged in performing the duties enjoined upon them by this Act, to be paid by the incorporators of said road. County Court to appoint Commiss'ners. Oath, pay, etc

Sec. 19. *Be it further enacted*, That the incorporators of the Post Oak Spring Turnpike Road shall be entitled to receive the following rates of toll, viz: For each four-wheeled carriage, drawn by four horses or mules, seventy-five cents; if drawn by two horses or mules, fifty cents; if drawn by one horse, thirty-five cents; for each two-wheeled carriage, thirty-five cents; for each wagon drawn by six horses, mules, or oxen, one dollar; for each four-horse, or ox-wagon, seventy-five cents; for each two-horse or ox-wagon, fifty cents; for each cart, twenty-five cents; for man and horse, ten cents; for each led horse, five cents; horses in droves, three cents; for each head of cattle two cents; for each head of hogs or sheep, one cent. Rates of Toll.

Sec. 20. *Be it further enacted*, That no family moving, with not more than two horses, mules or oxen, or a two-wheeled carriage of burthen drawn by two horses, mules, or oxen, and that no person traveling with one horse or mule only, shall not be delayed at said gate; if, however, the head or person having the care of such Persons exempt.

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family or traveler, will take oath, that he or she has no money, and is unable to pay the toll, which oath, the gate keeper is authorized to administer; and no toll shall be demanded from any parson going to or returning from mill, blacksmith-shop, preaching, or elections; or from the citizens of Roane County, except for wagons hauling out of the county for profit.

Same.

SEC. 21. *Be it further enacted*, That any person that forcibly or secretly passes said gate without paying the toll, or goes round said gate in order to avoid paying the toll, said person shall forfeit and pay five dollars for every such offense, to the proprietors of such, to be recovered by action of debt before any Justice of the Peace in this State.

Evasion of toll.

SEC. 22. *Be it further enacted*, That the incorporators of the aforesaid turnpike company, in opening their road, shall not elevate the grade of said road to an extent of more than one foot in ten—shall cut down and level said road, where necessary, and causeway all wet places, and ditch the sides of said road to drain the water, and elevate the same when necessary.

Grade of road

SEC. 23. *Be it further enacted*, That An Act passed the 28th of February, 1860, authorizing W. R. S. Thompson to open a turnpike road, and for other purposes, be, and the same is hereby, amended as follows: Said road shall begin at the base of Walden's Ridge, near where Henry Lollet now lives, in Cumberland County—thence said ridge by way of Claibourn Fuget's and the Collins farm, to the base of the ridge, near Stephen Cawood's, in Rhea County. Said Thompson, and his associates and successors, shall have and enjoy all the rights and benefits of the original charter, and be subject to the same restrictions, except as herein provided; and thirty years succession.

W R S Thompson's Turnp. Road.

SEC. 24. *Be it further enacted*, That W. G. Roddy, Wm. Dunlap, and Stephen Cawood, are hereby appointed Commissioners of said road, who shall perform the ordinary duties of turnpike commissioners.

Commiss'ners

SEC. 25. *Be it further enacted*, That said road shall be fourteen feet wide, clear of all obstructions, except the ascent and descent of said ridge, which shall be ten feet wide, clear of all obstructions.

SEC. 26. *Be it further enacted*, That the President, Directors, etc., of the Franklin & Lewisburgh Turnpike Company, be, and they are hereby, authorized to rebuild their bridge where their road crosses Duck River; and that they be permitted to collect toll from

Franklin & Lewisburg Turnp. Co.

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the traveling public crossing said bridge; the amount of said toll to be assessed by the County Court of Marshall County.

Lebanon and Sinking Cr'k Turnp. Co.

SEC. 27. *Be it further enacted*, That the Charter of the Lebanon & Sinking Creek Turnpike Company, passed on the first day of March, 1858, be so amended as to allow the stockholders the further time of three years for the completion of said road; and to allow said company to dispense with the building of bridges across the creeks by making good paved crossings at the fords.

May extend road.

SEC. 28. *Be it further enacted*, That said company may, at their option, extend said road to or in the direction of Cainsville. And for every additional five miles built, said company shall be entitled to erect an additional toll-gate; and if so extended, shall be allowed the term of five years for its completion.

Comm'rs for Springfield & Cross Plains Turnpike Co.

SEC. 29. *Be it further enacted*, That Henry Porter, Thomas J. Krisb, John G. Couts, Willie Woodward, G. B. Randolph, Wilson Pitts, David Henry, David Jones, L. J. Henry, John Woodward, John Cook, Wm. F. Krisb, William Villines, and J. M. Eatherly, be, and they are hereby, appointed Commissioners to open books and receive subscription for stock in a turnpike road, which is hereby authorized to be built from Springfield to Cross Plains, in Robertson County—that said Commissioners, or a majority of them, may open books for subscription of stock, at such times and places as they may choose, and have authority to locate and determine the route said road shall run—that the stock in said road shall be divided into shares of twenty-five dollars each—that subscriptions for stock in said road may be received, payable in labor, materials, or any other mode agreed upon by said Commissioners—that whenever the sum of five thousand dollars is subscribed to said Commissioners, they shall call the stockholders together, first giving thirty days' notice, by publication in the Robertson *Register*, of time and place of meeting, who shall organize by electing a Board of five Directors, one of whom shall be President, one Secretary, and one Treasurer, all of whom shall be stockholders—that in making said election, each stockholder shall be entitled to cast one vote for each share he or they may own; and when so organized, said Board of Directors, their associates, successors and assigns, shall be a body politic and corporate, by the name and style of the "Springfield & Cross Plains

Books, Shares, etc.

Elections, Voting.

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Turnpike Company;" and by that name shall have the right to sue and be sued, plead and be impleaded, have and use a common seal, and change the same at pleasure; and have succession for thirty years.

Rights.

SEC. 30. *Be it further enacted*, That said Board of Directors shall be elected annually, at such time and place as they may designate, first giving thirty days' notice of the time and place, as directed in the foregoing section. Said Board may require the Treasurer of said company to give bond and security, in such sum as they may see proper, for the faithful discharge of his duty, and the payment of all money which may come into his hands; which bond shall be made payable to the President of said company.

Annual Election, bond, etc.

SEC. 31. *Be it further enacted*, That, for the purpose of building and keeping said road in repair, the Directors or contractors may cut, dig and quarry, and take from the lands of any person within one mile of said road, such, and so much rock, earth, gravel and timber, as may be necessary for such purpose; and if any person or persons, from whose land such materials may be taken, shall desire compensation therefor, he, she or they, may apply to any Justice of the Peace in the county, who shall appoint three disinterested freeholders, for the purpose of valuing said materials; and the persons so appointed, shall proceed to value, upon oath, the materials so taken, and shall give the party or parties injured, a written statement of the amount of the value of the materials taken from them; and the amount so ascertained, may be recovered of said company before any tribunal having jurisdiction thereof; *Provided*, that in case either party is not satisfied with the assessment so made, he shall have the right to take an appeal to the next term of the Circuit Court for said county, after the assessment is made.

May take materials.

Compensa'on.

SEC. 32. *Be it further enacted*, That, so soon as five miles of said road is built, commencing at Springfield, one gate may be erected at any point upon the Wartrace Hill the Directors may see proper to locate it; and for every additional five miles of the road, when completed, an additional gate may be erected. At which gates they may be allowed to demand and receive the same rate of toll as that allowed by the charter of the Lebanon & Nashville Turnpike Company.

Gates, tolls, etc.

SEC. 33. *Be it further enacted*, That the President and Directors of said company shall have power to make such by-laws for the government of said com-

By-Laws.

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pany, as they may see proper; *Provided*, they are not in conflict with the laws of this State or of the United States; to put said road under contract, take bonds from contractors, and do any and all things necessary to complete said road and keep the same in repair, coming within the legitimate scope of the powers herein granted. Provisos.

SEC. 34. *Be it further enacted*, That said road shall be opened twenty-six feet wide, graded at least sixteen feet wide, and twelve feet to be covered with stone or gravel not weighing over half pound each, six inches deep for the first coat—the second coat to be at least seven feet wide and six inches deep, with ditches on each side sufficient to drain the road. Said company shall build all such culverts and drains as may be necessary. Character of road.

SEC. 35. *Be it further enacted*, That Dr. David Bell, Wm. D. O'Brien, Wm. Cockran, Wm. Baker, Wilson McKinney, John W. Hyder, Sr., J. J. Campbell, Michael Grindstaff, Oliver Hall, and Henry Hyder, be, and the same are hereby, created a body corporate and politic, by the name and style of the "Limestone Turnpike Company," for the purpose of constructing a turnpike road from or near the farm of J. W. Hampton, in Carter County; running thence, by way of Wilson McKinney's and David Baker's, in the Limestone Cove, to the North Carolina line; and to exist as a body corporate and politic for thirty years. Limestone Turnpike Co.

SEC. 36. *Be it further enacted*, That said company may open books of subscription of stock, which shall consist of shares of twenty-five dollars, and shall have six years to complete the said road, from the first of January, 1869; and when completed, may erect toll-gates and charge such toll as the County Court of Carter County may allow. Books.

SEC. 37. *Be it further enacted*, That citizens of Carter County shall be allowed to pass over said road free of toll.

SEC. 38. *Be it further enacted*, That D. E. Davinport, George H. Hudson, C. T. Quintard, Taze. W. Newman, Ellis Days, and J. W. Brown, be, and they are hereby, created a body politic and corporate, under the name and style of the "Winchester, Decherd & Cumberland Turnpike Company," with authority to build a turnpike road on the main traveled road from Winchester *via* Decherd, in Franklin County, *via* the old road bed to the University of the South; and said Winchester, Decherd & Cumb. Turnp. Company.

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Commissioners shall have succession in the usual manner, and shall have the same powers and authority as those granted the Kendrick's Creek Turnpike Company, in Sullivan County.

SEC. 39. *Be it further enacted*, That John H. Smith, C. C. Wilcox, Wesley Carder, James G. Smith, John Humphreys, E. S. Singletary, and James Wilson, all of the County of Carter, be, and they are hereby, incorporated for the purpose of constructing a turnpike road from the top of the dividing ridge in Carter, running thence with the main stage road, by way of Corden's Bluff, on the Wautaga River, to Jno. Smith's, under the name and style of the "Wautaga River Turnpike Company;" and shall exist as a body politic and corporate, for the term of thirty years.

Wautaga Riv. Turnpike Co.

SEC. 40. *Be it further enacted*, That the persons mentioned in the thirty-ninth section of this Act, be, and they are hereby, authorized to open books for the subscription of stock to build said road, in shares of twenty-five dollars, to be paid in labor or money, as the company may order.

Subscription books.

SEC. 41. *Be it further enacted*, That the said company may commence the construction of said road, at any time after the first day of July, 1868, and shall be allowed three years to complete the same; and after completing said road, may erect toll-gates and receive and demand the following toll: For each wagon, fifty cents. For each pleasure carriage, one dollar. For man and horse, fifteen cents. For each head of stock, one cent.

Time, gates, tolls, etc.

SEC. 42. *Be it further enacted*, That the citizens of Carter County are exempt from paying tolls on said road.

SEC. 43. *Be it further enacted*, That John K. Miller, C. P. Toncray, H. R. Lutz, Wm. J. Folsom, H. H. Hously, B. B. Ferguson, J. D. Carriger, Daniel S. Nave, David B. Bowers, and John Hathaway, be, and they are hereby, made a body politic and corporate by the name and style of the "Mountain Bridge Company;" and said company are hereby empowered and authorized to erect and keep in repair, a toll-bridge at some point on the Wautaga River, in Carter County, between the farms of William S. Thomas and Mrs. Joseph Stowers; and shall have succession for ninety-nine years.

Mountain Bridge Co.

SEC. 44. *Be it further enacted*, That the capital stock of said company shall consist of four hundred shares of twenty-five dollars each, which may be increased to any necessary amount for the purposes herein specified; to

Capital Stock.

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be subscribed under the direction of said company; and the stockholders, or a majority of them, when regularly convened, shall have power to establish by-laws for the government and direction of the affairs of the company, not inconsistent with the laws of this State. By-Laws, etc.

SEC. 45. *Be it further enacted*, That said company shall, when they have completed their bridge, be entitled to receive the following tolls, viz: For footman, five cents; man and horse, ten cents—for any additional horse five cents; for each head of cattle, sheep or hogs, one cent; for wagon, with one horse, twenty cents; for wagon, with two horses, twenty-five cents; for wagon with four horses, forty cents; for any pleasure carriage, thirty-five cents. Rates of Toll.

SEC. 46. *Be it further enacted*, That A. J. Tipton, A. P. Hart. J. G. Fellers, J. D. Smith, Solomon Hart, George I. Northern, Henry Little, S. H. Hendricks, S. A. Cunningham, and B. A. Miller, be, and they are hereby, constituted a body corporate and politic, by the name and style of the "Carter County Bridge Company;" and said company is hereby empowered and authorized to erect and keep in repair, a toll bridge across the Wautaga River, in Carter County, at some suitable point between the Renfro Ford and Taylor's Ford; and shall have succession for ninety-nine years. Carter Co'ty Bridge Co.

SEC. 47. *Be it further enacted*, That the capital stock of said company shall be the same as that allowed to the Mountain Bridge Company in this Act; and shall be allowed the same privileges and subject to the same rules, regulations and restrictions, as said company. Capital Stock.

SEC. 48. *Be it further enacted*, That it shall be the duty of the County Court of Johnson at its regular quarterly session on the first Monday of January, 1868, and at its first quarterly session for every year thereafter, until the expiration of the charter of the company hereinafter mentioned, to appoint two Commissioners for the Taylorsville Turnpike Road, whose duty it shall be to inspect said road at least once every three months; and shall be, and are hereby, required to report the condition of said road to the County Court of said county at each of the quarterly sessions of said court, for every year until the expiration of the charter of the Taylorsville Turnpike Company, under which said road was constructed, and is now operating. Taylorsville Turnp. Co. Com'rs,

SEC. 49. *Be it further enacted*, That said Commissioners be, and are hereby, vested with full and complete authority to determine the condition of said road so far as to decide whether it is in such order as the charter Powers of Com'rs.

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requires, and whether those who shall travel said road shall be required to pay toll as now required by law, or not; and whenever said Commissioners shall be of opinion that the conditions and provisions of the charter are not fully complied with by the said company, by failure or refusal to keep said road in such order as the said charter prescribes, they shall have full power and authority to take down or cause to be opened, the toll-gates on said road, and to direct the said company to charge no further toll until they shall fully comply with the conditions and provisions of said charter.

Same.

SEC. 50. *Be it further enacted*, That notice to any gate, or receiver of tolls on said road, by the said Commissioners, that the road is not in such order as is required by law, shall be sufficient; and that any gate-keeper, or other person, receiving toll after such notice, either verbally or written, shall be deemed a misdemeanor, and the offender, on conviction, shall be fined not less than one hundred dollars, and be imprisoned at the discretion of the court trying the case.

Notice of road being out of repair.

SEC. 51. *Be it further enacted*, That in the event of said Commissioners disagreeing as to the condition of said road, under the provisions of the three foregoing sections of this Act, it shall be their duty to report the facts to the next quarterly session of the County Court of said county, which court, after hearing proof, shall determine whether the gates on such road shall be opened to travelers free of toll, or whether the said gate-keeper, or receiver of toll, shall collect the tolls under existing laws, or not; and said court shall render judgment according as in their opinion may be consistent with the charter and laws governing said road; *Provided*, whenever such disagreement may exist between said Commissioners it shall be optional with said company whether they continue to keep up the gates and collect the said tolls on said road, or not until the County Court shall render judgment in the case; *and provided, further*, that should the company, or owners of said road, elect to keep open the gates and collect the tolls on said road in case of such disagreement between said Commissioners, the stockholders, owner or owners of said road, shall be guilty of a misdemeanor for failing to keep said road in the proper repair and condition required by the charter and laws under which said company constructed, and are now using, said road; and, on conviction, shall be fined not less than two hundred dollars, and imprisoned at the discretion of the court trying the case.

Disagreement of Com'rs.

Provisos.

Misdemeanor

SEC. 52. *Be it further enacted*, That the said County

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Court shall have full power at any quarterly session, to re-open said road, by directing the said company to proceed under the charter to collect the tolls thereon; or to declare the said road open to free travel, as they may deem just under the charter and laws governing the management of said road; *Provided*, said company, or any other person, feeling themselves aggrieved by the judgment of said court, shall have the right to appeal to the Circuit Court of said county, when the case shall be disposed of as other cases of appeal. Co. Court may declare road open.

SEC. 53. *Be it further enacted*, That all mail contractors shall be charged toll on said road as prescribed by the original charter granted to said company in regard to travelers.

SEC. 54. *Be it further enacted*, That all laws, or parts of laws, inconsistent with the provisions of this Act, be, and they are hereby, repealed. Repealed.

SEC. 55. *Be it further enacted*, That James A. Wells, David Hall, Esq., Henry Chedister, James Wolsey, Dr. G. N. Bailey, James M. White, Enoch Moore, Esq., and Farmer Williams, and their successors in office, be, and they are hereby, constituted a body politic and corporate, with all the rights and liabilities incident to corporations, under the name and style of the "Fall Branch and Bull's Gap Turnpike Company;" for the purpose of constructing, grading and McAdamizing a turnpike road, extending from Fall Branch to Bull's Gap, in Greene County; and that said turnpike company shall have power to open books and receive stock, consisting of shares of twenty-five dollars each; and when ten thousand dollars of stock shall be subscribed, said turnpike company shall be entitled to all the rights and privileges, and subject to all the rules and regulations, of the Kindrix Creek Turnpike Company. Fall Branch & Bull's Gap Turnp. Co.

SEC. 56. *Be it further enacted*, That the 6th section of An Act, passed on the 26th of May, 1866, entitled "An Act to authorize the formation of the Knoxville & Jacksboro' Turnpike Company," be, and the same is hereby, amended so as to read as follows, to-wit: That so soon as there shall be subscribed a sufficient amount of stock, in the opinion of the Directors, to justify the commencement of the work, they shall proceed to survey and locate and let out said road as near as practicable, upon the line of the old road from Knoxville to Tazewell, to, at least, the distance of five miles from the corporate limits of the city of Knoxville in the direction of Tazewell, deviating no further from this route than is absolutely necessary to straighten the line of the road Knoxville & Jacksboro' Turnp. Co. Route of road.

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as may be practicable; thence with said line of road to the Jacksboro' road; thence upon or near said road to Beaver Creek; and beyond this point on any route that may be deemed best by the Directors, to the town of Jacksboro'. And this change shall apply to An Act entitled "An Act to amend An Act to incorporate the Tennessee & Pacific Railroad Company, passed May 24th, 1866, and for other purposes," passed December 11th, 1866; the 6th section of which Act consolidates the Knoxville & Tazewell Turnpike Company and the Knoxville & Jacksboro' Turnpike Company; and shall be and remain in full force in respect to said consolidated company.

Same.

Damages to property.

SEC. 57. *Be it further enacted*, That if any fencing now up shall be destroyed, or torn down, in the route selected by said turnpike company, the same shall be paid for, at a fair valuation, by said turnpike company, who shall, also, put at their own expense, such new fencing as they may require for the protection of the road. And whenever the said road shall cross any creek or stream subject to overflow, safe and substantial bridges shall be erected by the company; and no valuable or important water-power on any stream or creek shall be interfered with or impaired by the location of the said turnpike road.

Amon L. Davis' Turnpike Road.

SEC. 58. *Be it further enacted*, That section 4 of An Act passed February 2, 1846, entitled "An Act to appoint Commissioners for the Higginbotham and Rankin's Turnpike Road," be so amended as to require Amon L. Davis, owning the turnpike from the top of Snow's Hill, in DeKalb County, to the White County line, to open the road on the hills on either side of Caney Fork River, to the width of twenty feet at all points.

Toll.

SEC. 59. *Be it further enacted*, That the rates of toll on said road shall be as follows: For each wagon drawn by more than two horses, mules or oxen, seventy-five cents. For each wagon drawn by two horses, mules or oxen, fifty cents. For each pleasure carriage, fifty cents. For each horseman, fifteen cents. For each footman, five cents. And the said charges shall include ferriage and pikeage on the said road.

Gate at Sligo.

SEC. 60. *Be it further enacted*, That the Commissioners of this said road, be, and they are hereby, required to open the gate on said road at Sligo, and to keep it open until the road is put in the condition required by the fifty-eighth section of this Act.

SEC. 61. *Be it further enacted*, That Section 36, Chapter 88, of An Act passed on the 24th day of May,

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1866, be, and the same is hereby, so amended as to read "M. D. Bearden, G. R. Brownlow, A. J. Campbell, Thos. Johnson, John L. Moses, Jno. C. Chiles, J. A. G. Brown, Samuel B. West, James H. Taylor, George W. Keith, Henry Chiles, and Jesse Steincipher," instead of David K. Young, John Baxter, and William Cross, as the said Act now reads. Act of May 24, 1866, amen'ed

SEC. 62. *Be it further enacted*, That Sections 8 and 17, of Chapter 23, of An Act to amend An Act, entitled "An Act to incorporate the Tennessee & Pacific Railroad Company, and for other purposes," passed Dec. 11, 1866, be, and the same is hereby, repealed. Act of Dec. 11, 1866, amen'ed

SEC. 63. *Be it further enacted*, That John Speer, Sr., John Crosswhite, Esq., G. W. Cole, Esq., R. S. Wilson, Esq., J. F. Shawn, and such other persons as they may, at any time, associate with them, under the provisions of sections 63 and 64 of this Act, are hereby constituted a corporate company and body politic, under the name and style of the "Taylorsville & Bristol Turnpike Company," with the power of succession for thirty years; who may sue and be sued, plead and be impleaded, in their corporate name, in all the courts of this State. Taylorsville & Bristol Turnpike Co.

SEC. 64. *Be it further enacted*, That the company mentioned in the 63d section of this Act, as soon as it may be organized, shall be, and is hereby, vested with full power and authority to survey, locate and do any and all other necessary things, in order to make, open and establish a dirt or McAdamized turnpike road, from the town of Taylorsville, in Johnson County, in this State, running by way of, and crossing the head waters of a stream called "Little Doe," through Shady Valley, to the town of Bristol, in Sullivan County, Tennessee. Said company shall be governed in all things, both in the laying out and construction of said road, and its management and control after it shall be completed, according to the provisions of the old charter of the Taylorsville Turnpike Company, except the width of said road, which shall be fourteen feet, unless where it is cut through solid rock; in which parts it shall be ten feet wide, clear of obstructions. Pow's, rights, governm't, etc

SEC. 65. *Be it further enacted*, That Joseph Wallace, Wm. S. Munday, Greenberry Dobbins, James F. Lauck, T. McKinley, James Peacock, and Jacob H. Rees, and their successors, are hereby incorporated a body politic and corporate, under the name and style of the "Gallatin & Ridge Turnpike Company," with all the rights, powers and privileges, and subject to the same restrictions, as granted the Gallatin & Cumberland Turnpike Gallatin & Ridge Turnp. Company.

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Company, in An Act passed January 25th, 1838, and An Act amendatory thereof, passed January 13th, 1844.

Rights, Powers, etc.

SEC. 66. *Be it further enacted*, That the company organized by the provisions of section 65 of this Act, shall have the power to repair, build bridges, and put in good order, the road, the charter of which has been forfeited, and establish gates, collect tolls, and do any and every act that a corporate body may do, consistent with and within the purview of the charter and amendments thereto; *Provided*, that the said company may, so soon as the said road is repaired three miles from the town of Gallatin, Tennessee, establish one gate and collect tolls thereat, which shall be applied to the further repairing of said road, and until the whole road is placed in good repair; then to be disposed of at the option of said company, for any purpose determined on by the Board of Directors; which said gate shall be situated not further than one mile from the said town of Gallatin.

Gate.

Columbia and Bigbigby Tur. Company.

SEC. 67. *Be it further enacted*, That John Baird, A. M. Hughes, John H. Stratton, John W. Mays, and as many others as may agree to associate with them, or any three of them, are hereby appointed Commissioners to open books, at such times and places as they may think proper, for the subscription of stock, in shares of twenty-five dollars each, either in cash or work, to build a turnpike road, to commence at the point West of the town of Columbia, in Maury County, where the former Columbia & Hampshire Road connected with the Central Turnpike Road, now known as "Sheppard's Store;" to extend from thence Westward to the foot of the Ridge, beyond Bigbigby Creek, and on the East side of said Ridge, toward Columbia, in Maury County, and the town of Hampshire, in the same county, being about twelve miles from Columbia.

Route.

Capital Stock.

SEC. 68. *Be it further enacted*, That the capital stock in said road shall be a sum sufficient to build said road, not to exceed seventy-five thousand dollars; and that, upon the subscription, either in work or money, of a sum sufficient to build five miles of the road, said Commissioners shall call a meeting, by giving notice to the stockholders, who shall proceed to elect five persons, all of whom shall be stockholders, as a Directory, who shall appoint one of their number President, and appoint a Treasurer and Secretary; and said President and Directors shall hold their office for two years, and until their successors shall be elected; and a majority of them shall be competent to transact business, and shall have power to fill all vacancies happening in the Board

First election, etc.

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between regular meetings of the stockholders; and to do whatever else, in their judgment, may be calculated to promote the interests of said road, and not inconsistent with the provisions of this charter.

SEC. 69. *Be it further enacted*, That said President and stockholders be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Columbia & Bigbigby Turnpike Company;" and by that name may sue and be sued, plead and be impleaded, and shall have a common seal, and succession of ninety-nine years, with all the rights, powers and privileges, and under the same restrictions, that are granted unto and imposed upon turnpike companies generally, in this State. Rights and privileges.

SEC. 70. *Be it further enacted*, That when said Directors are elected, as aforesaid, and organized into a Board, said President and Directors, or a majority of them, shall locate said road, which shall be done upon the same old road, (or as near thereto as practicable,) known as the Columbia & Hampshire Turnpike Road, and take all necessary steps for its completion. Said road shall be graded not less than twenty feet wide, and be McAdamized or graveled not less than sixteen (16) feet wide, and not less than nine inches deep, and shall not exceed five degrees of elevation. And the work on said road shall be commenced within two years from the passage of this Act, and shall be completed within five years from the same time, with all necessary culverts and bridges, or this charter shall be forfeited. Location, etc. Time.

SEC. 71. *Be it further enacted*, That when the first five miles of said road are completed, in the manner contemplated in this Act, the President and Directors are hereby authorized to erect one gate, which shall be located not nearer than one mile of the point where said road unites with the Central Turnpike Road. And when the road is finished accordiug to the provisions of this charter, with all the necessary culverts and bridges, to the terminus mentioned, (*i. e.*) the foot of the Ridge, West of Bigbigby Creek, etc., as aforesaid, the President and Directors are hereby authorized to erect a second gate, which shall be placed not nearer than nine niles of the town of Columbia. And they are hereby authorized to demand and receive toll at each gate, not exceeding the following rates, viz: For every twenty head of sheep or hogs, ten cents. For every twenty head of horned or neat cattle, twenty cents. For every horse or mule not employed in drawing a wagon, two-and-a-half cents; and so in proportion for any larger or Toll-gates. Rates of Toll.

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less number of the above animals. For every pleasure carriage, drawn by two or more horses or mules, twenty cents. For every carriage, wagon or cart, drawn by one horse or mule, ten cents. For every loaded wagon, drawn by two horses, mules or oxen, fifteen cents. For every loaded wagon, drawn by three horses, mules or oxen, twenty cents. For every loaded wagon, drawn by four or more horses, mules or oxen, twenty-five cents. For every empty wagon, cart or carriage, ten cents. For every man and horse, five cents. Every vehicle used for carrying burdens, shall be charged as wagons, in proportion to load. And the company are hereby authorized to make any arrangement for the payment of tolls monthly or yearly, or otherwise, which they may deem for the interest of the road, and satisfactory to the traveling community; *Provided*, that every person passing through either or both gates, and paying the regular charges demanded, shall have the privilege of returning free, if upon the same day; but not for more than one trip, passing and returning. Persons on horseback, going to mill, muster or preaching, to be exempt from paying toll at all the gates.

Same.

Proviso.

SEC. 72. *Be it further enacted*, That the stock in said company may be transferred in such manner as is provided by law in regard to the stock of other turnpike companies. And it shall be lawful for said corporation to have, hold and purchase, all such real estate as may be necessary for toll-gate houses, and for other purposes contemplated in this Act.

Transfer of Stock, etc.

SEC. 73. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 16, 1868.

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CHAPTER CVII.

AN ACT to Amend the Charter of the City of Nashville; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all property, estate, real, personal, or mixed, situated or belonging in said city, which is subject to State taxes, shall be assessed and listed for taxation therein at the fair and full worth and market value and price of the same. Tax valuation of property.

SEC. 2. *Be it further enacted*, That the valuation of a stock of merchandise, or in trade of any person or company, and of the capital or assets of any private banker, or agent of any insurance company, shall be of the average capital (as to such insurance agent of each principal for which or when he acts as agent separately) employed, or used, or operated upon, during the previous year; and as to corporations, of the aggregate shares of stock, or capital, on the 10th day of January previous, so that the same will be uniform with the valuation of the shares separately. Property held by trustees, administrators, guardians, or in any fiducial capacity, shall be valued, listed and taxed, separately, with the addition of the estate or persons for whom the same is held in the list of names of persons taxed. Merchants, Bankers, Ins. Cos, etc. Trustees and others.

SEC. 3. *Be it further enacted*, That the property of railroads in the city, not exempt from municipal taxation by law, shall be assessed to the corporations, owners, or agents, as the same may be known, so that the real estate and the improvements, rolling stock, track and machinery, shall bear its equal share of taxation; the real estate, including buildings and machinery, or fixtures and track, according to its value; and the personal property, as near as may be in proportion of the length of track in the city, so that on the whole line where the same extends without the city; but street railroads within the city may be assessed as other corporations. Railroad property.

SEC. 4. *Be it further enacted*, That an Assessor shall be elected as the City Council may provide; and, after qualification and execution of bond in the sum required by the Council, with securities approved by them, conditioned to the faithful valuation, assessment and listing, and the discharge of all his duties as required by law, ordinance, and the orders of the proper authorities, Tax Assessor

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he may appoint, with the advice and approval of the City Council, a sufficient number of assistants as determined by them, and subject to their confirmation, who shall, in like manner, be qualified and give bonds; and thereafter, under the supervision of the Mayor and City Council, he shall, aided by the former lists of tax-payers and assessments, prepare, with such assistants, all necessary books, lists, and forms, so that the list will give the names of tax-payers in alphabetical order, with the description of the property and assessment from the forms of the latter; will describe in detail, and embrace the several descriptions and sub-divisions of property required to be assessed, commencing with the real estate, lots, parts of lots, and parcels of ground, with their improvements; to be described with sufficient accuracy by the number of the lots, parts of lots, and other designations by known marks and description of the parcels of ground for a valid title thereon; and the remaining sub-divisions in their regular order, so as to examine the owner, or tax-payer, concerning each sub-division of property required to be assessed; and said Assessor and and his assistants, are hereby authorized to administer all oaths and take all affidavits required in the valuation, assessments or other discharge of his duties.

Assistants.

Tax List.

Same.

SEC. 5. *Be it further enacted*, That the Assessor shall apportion the territory by wards unless inconvenient, and the required work between himself and his assistants, so as most accurately and conveniently to complete the same within the required time, and furnish a sufficiency of lists and forms so as to examine specifically the owner, or occupant, claiming the ownership; and when necessary other persons acquainted with the property and its value.

To be divided into wards.

SEC. 6. *Be it further enacted*, That the Assessor, or any of his assistants, having furnished such owner or occupant, with one of the required forms for one week to give a full list and valuation of his property under the several sub-divisions provided in those forms, shall require him to subscribe an oath to the correctness of the list made out or placed by such owner or occupant, on each sub-division, and the aggregate to the best of his knowledge, recollection, and judgment; and any false swearing in such oath or affidavit, shall be held to be perjury; and if said owner, or occupant claiming ownership, shall refuse or decline to take an oath, such reply shall be entered against his name on the list as "refused," or "declined to swear," as the case may be, with any reason, arising from the condition of the prop-

Owner or occupant, to make oath.

Perjury.

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erty, if such be the case, why he cannot know or judge of the value; and if he should refuse to give the list, or neglects to give the same with the words, "refused to give the list," against his name, or "neglects to give the list," as the case may be, an examination shall be made of other persons as to the description, amount and value of his property, fixing the full amount and value thereto; and when such owner cannot be found, or is absent from the city, ascertaining from other persons in like manner, and affixing the fair valuation to the amount ascertained by that mode of assessment. Refusal to make return.

SEC. 7. *Be it further enacted*, That the person in possession of property, whether real or personal, claiming to be the owner, shall be presumed to be the owner unless the contrary is satisfactorily known to the Assessor, or his assistants; and when the owner is unknown, or not satisfactorily ascertained, or presumable as here stated, the property shall be listed as "owner unknown;" but no error or mistake in the designation, or name of the owner, in listing the property shall vitiate the assessment if the property can be fixed with reasonable certainty; nor shall any deficiency in describing the boundaries or area of lots, or parcels of ground, impair the validity of the lien thereon for taxes, or of the condemnation sale, tax-title, or deed of such taxes. Owner presumed. Validity of lien.

SEC. 8. *Be it further enacted*, That the Presidents, Cashiers, or other proper officers, of all banking institutions, insurance, or other corporations, shall, in like manner, be called on, with the forms furnished them, to furnish a list of the names and shares held by the several stockholders in such incorporations, and their residence so far as known; and any refusal, declining, or neglecting, to furnish the same, shall, in like manner, be entered against such corporation, with the name of the officer so refusing, declining, or neglecting; and such refusal or declining, in terms amounting to a refusal, without showing that he has no charge of the books or official knowledge of the names of such stockholders, or of their stock, or gross negligence, shall subject such officer to a fine of from twenty-five to fifty dollars, in the discretion of the court, to be recovered as penalties are under the ordinances and laws of said city; and other penalties shall be applied to the corporation as hereinafter provided. Officers of Banks, Ins. Co's, etc. Penalty for neglect to return.

SEC. 9. *Be it further enacted*, That when the assessments shall have been made, the Assessor, with his assistants, shall transcribe and embody the same in a book in alphabetical order, according to and under the num- Assessor's book.

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ber of each ward, noting any change of residence, when known, with the assessment of real estate; and the aggregate of personal property in separate columns, and a condensed description of the several parcels of real estate, pointing out the same with such accuracy as may be required to convey the title thereto—placing on file with the Recorder the original lists and affidavits for reference when necessary.

Same.

SEC. 10. *Be it further enacted*, That the City Council shall, within two weeks from the election of the Assessor, and before he shall, with his assistants have completed the valuation, determine the amount of taxes required and necessary to be raised for the coming year, including the amount required for the payment of the coupons and interest on the bonds and funded debt of the city, which shall be kept separate and distinct on the assessment roll and book, and payable only in legal currency, for which no checks or orders of the city will be received or collected. And the amount necessary to be raised for a sinking fund for the final redemption and payment of such bonds and funded debt, which the City Council may also determine, shall be paid in the same manner. And also the amount necessary to be raised for the support of the public schools, which they may, in like manner, determine shall be payable. And they shall determine the amount necessary for ordinary revenue, and all the appropriations for the year. And they shall determine the rate of per cent. requisite for each division to raise such separate amounts. And any diversion of the first division, or after they determine for legal currency, of either of the two next divisions, shall be unlawful, and subject every member of the City Council voting for, or otherwise aiding the same, to be individually liable therefor. And the several divisions, or rates, in legal currency, and otherwise, shall be kept, collected, accounted for, and paid over to the Treasurer in such divisions, as separate funds by the Assessor and Collector.

Amount of tax necessary to be raised.

How divided.

SEC. 11. *Be it further enacted*, That after the rates shall have been determined, the Assessor and his assistants shall fix the rates and amounts of tax to the town lots, parcels of ground, or real estate, as valued and assessed; and, also, to the aggregate valuation of the personal property; and wherever the owner, as herein described, has refused, declined, or neglected, after one week's notice, to furnish, or to sign, a list, give a description, or make oath, or otherwise give in his valuation under oath, including herein fiduciaries, officers of

Assessor to fix rates, etc.

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banks, insurance companies, and other corporations, as representing the owners as herein required, the Assessor, with his assistants, acquainted with such delinquency, shall add to the taxation, the penalty and damages of fifty per centum over the regular and aggregate taxation; and the same shall be collected as ordinary revenue without abatement, and be presumed in all cases, to have been correctly added upon the proper state of facts requiring such addition; but the City Council, on ascertaining some justifiable cause, or reasonable excuse, may, by a vote of two-thirds of the members elect, relieve the tax-payer from such penalty. Delinquents. Penalty.

SEC. 12. *Be it further enacted*, That the taxes assessed upon any person, co-partnership, or corporation, known or unknown, or property held in any trust, or fiduciary capacity, whether on personal or real estate, shall, with all penalties, damages, increase, or interest, for neglect or delay of payment, be a lien on such property for the taxes assessed on the specific property; and, also, a lien on all the personal and real estate of the owner from the 10th day of January of the year of the assessment thereof, to be in force and continue until paid. Liens.

SEC. 13. *Be it further enacted*, That the assessment, with the rates affixed to be paid in legal currency, and the rates in such currency, or city dues, or script, if any, kept separate and distinct for the proper collection thereof, as required by law, shall, unless further time is given by the City Council, be completed by the first Monday in April, annually; and immediately thereafter, with the books, lists, and affidavits, and evidence, be deposited and filed with the Recorder for safe keeping, subject to the inspection of the Mayor, City Council, City Attorney, and parties interested, (except that any affidavit may be withheld from inspection, unless the signature thereto is denied, when the City Attorney deems such course necessary, and a copy of the same may be given;) and the Recorder shall notify the Mayor of such return and deposit, who shall appoint, with ten days' published notice thereof, in some daily newspaper of the city, a meeting of the City Council in joint convention, as a "Board of Equalization," to hear and determine all complaints of unjust or unequal valuation or assessment; to correct mistakes and errors, and to equalize and make uniform, as near as may be, the valuation and assessment throughout the city; but changes will not be made except for manifest defects, and the determination of the City Council will be final on hearing and arbitrating upon the complaints; but the Assessor or When assessment completed, filed, etc. Meeting of Board of Equalization.

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Mistakes.

Collector, may correct mistakes in addition, or report omitted property, which will be entered by the Recorder, and carried by him to the duplicate or copy when he is satisfied that such corrections or additions should be made.

Copy of Book to be given to Coll'r, etc.

SEC. 14. *Be it further enacted*, That after the examination by the City Council, at two or more joint meetings, as may be necessary for all proper corrections, with the assistance of the Assessor and his assistants, to explain all merely apparent inaccuracies and irregular valuations, so as to prevent any capricious or inconsiderate changes of valuation, the Council shall direct the Assessor, or some other fit person, to make out a full and accurate copy of the book of assessment, and to deliver the same to the Recorder, who, after a full comparison with the Book of Assessment and other evidence, and thereby correcting any errors in the copy or calcutions, shall certify the same to be a true copy and duplicate of the assessment roll and book, with the city seal, and deliver the same to the Revenue Collector, with the following order and warrant issued to him, with the seal of the city affixed, noting the delivery of such duplicate warrant on the original assessment roll retained by him:

Warrant or order of Collector.

"This is to require and command you, to proceed to collect the taxes and revenue in the foregoing Book of assessment, set forth from the moneys, goods, chattels, merchandise, and other personal property, of the person, or persons, in whose name the same may be assessed, according to the proper interest or ownership, whether fiduciary, in trust, or otherwise; and when the tax-payer's name is unknown, from the property assessed or liable; and where no personal property of the tax-payer can be found, from the personal property on the real estate, for the taxes assessed thereon, by distress and sale of so much of such property as may be necessary to pay the assessment or taxes, and all costs and accruing costs, according to the provisions of this Act; and wherein not otherwise provided, according to the laws of this State regulating sales of personal property by Sheriffs on executions."

Three months time to pay.

SEC. 15. *Be it further enacted*, That the Collector delaying the enforcement of the collection by distress, for voluntary payment, during three months, except when in his judgment, the tax payer is about removing himself or property, not leaving sufficient subject to execution in this city to satisfy the taxes, for which the same is liable, shall attend at the Treasurer's office in such city, during business hours of each day, for two

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months, giving notice thereof by publication in some newspaper in the city, and by posting at the Mayor's office and the court-house, for that time, for the payment of the taxes assessed, according to the roll and assessment in his hands; and for the succeeding month, he will call on the tax-payers neglecting payment, with authority to charge, on all collections made after such personal call, five per centum, as costs, in addition to the amount on tax list up to one thousand dollars, and above that amount, two per centum; and after that period, he shall proceed on his warrant, according to its tenor, by distress and sale of the personal property of the tax-payer, or on the land assessed, including therein any deposits of money or property as in pawn, any books, bonds, choses in action or accounts, of the certificates or evidences, of which he can obtain possession without violence; and for that purpose, the officers having charge of the books, or otherwise informed of any corporation or any banker, dealer or pawn-broker licensed by the city authorities, shall furnish information, and allow the Collector to examine the entries or records thereof on his books, and take note thereof, at the risk of forfeiture of such license, to the end that he may levy and distrain upon such assets of the tax-payer, giving notice thereof to the officer or person in possession of the same; and he may proceed to sell the same, and to give the purchaser an assignment thereof, and thereby vest in the assignee, all the rights of the tax-payer in such property or moneys; and upon notice to the Recorder, of any such refusal, when a license has been granted, that officer shall, immediately, have proceedings instituted to forfeit such license before the court having jurisdiction over the penalties under city ordinances; and upon proof of such refusal without sufficient cause or justifiable excuse, the same shall be declared and held to be forfeited by judgment of said court, at the cost of the party licensed; and the City Council shall, by ordinance, provide for all such further remedies as may be required for the attachment, levy and sale of all equitable interests of the tax-payer; and all sales of such, or any personal property by the Collector for taxes, shall be made upon similar notice, and in the same manner as personal property is sold on execution, except that the smallest amount of division shall be offered to pay said taxes, penalties and costs, and bids shall be made and completed in that manner; and any surplus arising from the sale, shall be returned to the owner. The fees, in cases of sale for

Publication.

Five per cent. costs.

Examine records, entries, etc.

May sell.

Forfeiture of License,

Bidding.

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taxes, not otherwise provided, shall be the same as those of Sheriff's sales of personal property on execution.

SEC. 16. *Be it further enacted*, That after the Collector shall have made diligent search, and have been unable to find personal property of any kind, subject to sale for the delinquent taxes, he shall, (during the month of January, as to such persons and property concerning which, he shall, by that time, have completed his search; and during the January term, if possible, as to all delinquencies, and if not so possible, with the permission to report the remainder on the first day of the next term,) make his report to the Circuit Court of Davidson County, of all such delinquent taxes assessed on the personal property of the owner, of specified real estate, or on the specific real estate in parcels, in substance as follows, viz: "I, A B, Revenue Collector of the City of Nashville, hereby report to court, the following lots, parts of lots, and parcels of ground in said city, delinquent for taxes due from the owner or property, and that no personal property can be found in my jurisdiction, on which to distrain for the same."

Collector to report to Circuit Court.

Form of Rep't

Owner's name, when known, with number of lots, parts of lots, and parcels of ground, as described in the assessment; and when necessary, further described, if less than a whole lot, and not a definite fractional part, fronting on street, lane or alley, by number of feet on the street, lane or alley, specified with the known or certain land marks or corners, or sides, so that the portion on which the taxes are, a line can readily be found; and the amount due on each parcel of ground, specifically; and also, those due from the owner in the aggregate, copied from the assessment book, showing amount on personal and real estate—next lots, or parts of lots, and parcels of ground similarly described, on which taxes are delinquent and owner is unknown.

Same.

SEC. 17. *Be it further enacted*, That the Collector shall give notice of his report to said court, by publication and posting at the court-house and Mayor's office, for two weeks, warning all delinquents, that unless such taxes, with all accrued damages and costs, shall be paid by the end of that period, the court aforesaid, will be warned to condemn and order to sale, the land described in the report, to pay taxes, damages and costs thereon; and he shall, also, notify the City Attorney to attend to said report, and see that any errors therein may be corrected; and a judgment of condemnation, and order of sale be rendered and made, by said court, at the expira-

Publish notice of report.

Order of sale.

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tion of that period, to pay such taxes, damages of twenty per centum for the neglect and delay, unless the delinquent tax-payer can show that there is no delinquency, or that the property is not liable; and such condemnation and order of sale shall be made, unless the proceedings will not justify the same, and the Clerk shall proceed to copy the same. The Collector shall, within twenty days of the judgment and order of sale, obtain from the clerk of such court, a verified copy thereof, under seal, and having given notice by publication in some daily newspaper, and by posting at the Mayor's office and court-house door in the city, for four successive weeks, of the time and place of sale, with a list of the owners as known or unknown, and a concise description of lots, parts of lots, and parcels of ground, with the taxes due or adjudged thereon, as condemned for sale; he shall, at said time, and at the court-house door aforesaid, proceed to sell so much of said lots, parts of lots, and parcels of ground, at public auction, as may be necessary to satisfy the said judgment and all costs, including the costs of sale, (if against several parcels of ground of one owner or owners, and delinquent tax-payers, for taxes assessed on the personal property of such delinquents,) for the smallest portion or parcel of ground in one parcel, measuring by linear feet, on some street, lane or alley, where there may be any such boundary on the property, and always in a square or rectangular form, as designated by the Collector in the offer for sale, and beginning at some known or recognized boundary, so that the same may be surveyed and platted from such designation; and when the condemnation is on the real estate of some known or unknown owner, for the taxes due thereon, then, upon a similar designation of the smallest portion of each lot or parcel, in the offer for sale, and the amount to be raised thereon, near as may be; and otherwise, the sale will be conducted as Sheriff's sales of real estate are made, and be held equally valid, and construed and presumed favorably for the sale in the same manner with similar fees for services of the Collector, who may, when necessary to complete the sale, adjourn the same from day to day, between the same hours, at the same place; and after the sale has been completed, he shall return the order of sale, with his proceedings thereon, to the clerk of the Circuit Court, and a true copy thereof, to the Recorder of said city.

Damages.

Collector to give notice and sell property at auct'n.

Quantity to be sold.

Sales, how conducted.

SEC. 18. *Be it further enacted*, That the Mayor, or some person authorized by the City Council, is required to bid in the property offered, in default of other pur-

City may bid in property.

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chasers, and to receive a certificate to the city for the same, which he is authorized to assign to any person who will pay the amount bid therefor, with the required interest; and if the property be not redeemed, the Collector will execute a deed to said city, or to other purchasers; and if the property or interests of the city therein, shall not previously have been sold at private sale, the same shall be offered at the next real estate tax sales, to the highest bidder, and the purchaser will receive a conveyance of all rights of the city therein.

Certificate.

Deeds.

SEC. 19. *Be it further enacted*, That, upon the payment of the bids or the receipt or certificate from the Mayor, of his purchase, made a sufficient voucher to the Collector hereby, the Collector shall give a certificate for the parcel sold, describing the same according to the description in the order of sale and advertisement, with sufficient accuracy to enable the purchaser to find the ground and survey the same; and such certificate shall make, in substance, the following recitals:

Collector to give Certifi'te

"WHEREAS, The real estate herein described, was liable by law, for the taxes due the City of Nashville, legally assessed, and a lien on the same, and such proceedings have been had upon the inability to find personal property subject to such taxes, and a report thereof to the Circuit Court of Davidson County, that after due notice and opportunity had for all purties interested to appear in said court and contest the same, a judgment had been rendered of condemnation, and an order of sale made thereby, to subject the real estate on which such taxes, damages and interest, were a lien, to pay the same by a sale of so much thereof as might be necessary therefor; and after due notice for the time required by law for such sale, at the court-house door, according to such, in the said city, the same was, on the —— day of ———, the time therein designated, offered by the undersigned, Revenue Collector, in the smallest portion in a designated form, bid to pay such taxes, damages and interest and all costs, amounting to the sum of ————dollars, when———— offering to take the smallest amount, the same was struck off to him; and having paid said sum, became the purchaser of the following real estate:————. And is hereby entitled to this certificate; and unless the property is redeemed according to law, by the payment of said sum, and increase at the rate of fifty per centum *per annum* thereon, to a deed in fee, in twelve months from said day of sale, unless the owners are infants, insane per-

Form of Certificate.

Same.

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sons, or married women, as made fully to appear, and then in twelve months from the removal of such disability. Witness my hand and seal, this —— day of ————, 18—.

"A. B., Revenue Collector, [L. S.]"

SEC. 20. *Be it further enacted*, That this certificate, or one with substantially similar recitals, shall be held to be evidence of the facts, whether in detail or in summary, or conclusions from facts therein recited, until the same is overborne by countervailing testimony; and all the proceedings, from the valuation to the sale and certificate, shall be presumed to have been regular and legal, until the contrary is made to appear by competent proof. Evidence of title.

SEC. 21. *Be it further enacted*, That the lien for the taxes and amount paid to the Collector on such sale, as evidenced by his return to the Clerk of the Circuit Court, the Recorder, and by his certificate, will be held and continued to the owner of the certificate, with constructive notice thereby, to all persons, to the same effect as if the same had been registered; that the same is held, with fifty per centum *per annum*, accruing interest and damages thereon, until the same is paid, with the additional lien of all taxes and charges on the land subsequently accruing and paid by such owner, and ten per centum thereon. Said certificate may be assigned as personal estate, by indorsement or assignment in writing, of the same, thereby vesting the assignee with all the rights under the same. Lien. Interest.

SEC. 22. *Be it further enacted*, That the real estate sold or described in the certificate, may be redeemed by paying or tendering to the purchaser, or his assigns, within twelve months from the day of sale, the amount of the purchase money, with fifty per centum increase, as interest or damages thereon, and all taxes subsequently paid by such owner, with ten per centum interest thereon; and the said owner shall receipt for the same, and deliver up the certificate, and thereby release the lien, or lose all the increase, interest or damages on the amount paid by him; or the redemption may be made by depositing the full amount with the Recorder, aforesaid, who will give his receipt and certificate thereof, which will be evidence either by registration or otherwise, of the redemption of the real estate; and the Recorder shall notify the Collector, and mark on the copy of the return of sale, such redemption; but infants, insane persons, or married women, may be entitled to the same redemptlon for their interests within twelve How land may be redeemed. Same.

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months from the removal of their disability, excepting
Same. that for the rights of tenancy by husbands of such married women, must be redeemed within twelve months from the sale, or their redemption be barred.

SEC. 23. *Be it further enacted*, That at the expiration of twelve months from each sale or known disability, (and only to the extent so known,) the Collector who made the sale, or the Revenue Collector then in office, as may be most convenient, are each empowered and
Deeds in fee to be given. directed, upon the receipt of such certificate uncancelled, and upon the examination of the Recorder's entry and office to ascertain that the land had not been redeemed, to execute and deliver to the purchaser or his assignee, as may appear by said certificate, a deed in fee of the premises described in the certificate, with, in substance, the following recitals:

"That the valuation and assessment under which the ground described in the deed was sold for delinquent taxes, were regularly made, and assessment lists and books returned and copied, as required by law; that there was not any personal property of the owner, or on
Form of Deed the land offered for sale, out of which the taxes could be made; that such fact was correctly reported at the proper time, to the Circuit Court of Davidson County; and in due time, with full opportunity and due notice for defense, if any could be made, the real estate aforesaid, embracing the described parcel in the deed, had been condemned for the delinquent taxes, and ordered for sale; and that after a copy of such order had been obtained, the Collector had, with such order, given the notice required by law for the sale of the same at public auction, and had, at the time, at the court-house door in the City of Nashville, regularly proceeded to offer at public out-cry, the condemned land to the smallest portion thereof, to pay all the taxes and charges thereon,
Same. amounting to $ ———, and that the purchaser named had, according to such offer, bid the smallest amount thereof, in the form designated in such offer, and had paid the said amount of delinquent taxes, damages, interest and all costs; or, in the case of the purchase by the city, had given the proper certificate and release for such bid; and was entitled to a deed from the Collector for the parcel in the conveyance described."

And such recitals in such deed shall be held and con-
Evidence. sidered, in the courts of this State, to be ample evidence of the facts therein recited; and the deed be received as complete evidence of a valid conveyance, in fee simple, and vest the entire title of the premises in the guarantee

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therein named. While, also, the real estate described in the deed and order of sale, shall be held and adjudged to have been first liable for the delinquent taxes, and each parcel for all the taxes of the owner thereof, whether assessed on his real or personal property. And the statement of the Collector, that there was no personal property out of which the taxes could be made, shall be deemed conclusive evidence of the fact, unless he is shown to have known otherwise; and it is further made to appear, that such personal property was liable to execution in the hands of the Sheriff. To be held as valid.

SEC. 24. *Be it further enacted*, That the continuing lien for taxes, or the amount paid by the purchaser at any sale for taxes, for street improvements, and for opening, widening, or straightening streets, with the increase of fifty per centum *per annum*, shall remain a valid incumbrance on the premises, with notice to all persons, should the tax deed or sale be declared invalid, and the title not authorize the recovery of the possession of the land; and such incumbrance may be enforced as a mortgage lien due and owing upon the land in the Court of Chancery, and proceedings had for the sale of the property, to pay the holder of the tax claim—the amount paid by him, and fifty per centum thereon—unless the real estate or property is shown not to have been liable for assessment and taxation, or that no valid assessment had been made; and in such case, the city shall remunerate the claimant to the amount actually paid for the taxes or sale, by him, and interest at six per centum thereon; and wherever the holder of any such title shall be in possession of the premises, and have made improvements thereon, or have paid city, State and county dues therefor, and the owner of the property shall, by suit, have recovered judgment against him for the possession of such property, the jurisdiction in equity, will be applied, and an estimate and assessment made of the value of the use and occupation of the premises, as taken possession of by him, and of the value of the improvements and betterments placed by the occupant under such title or claim on the land, with the amount paid for such title, and fifty per centum *per annum* increase thereon; and the subsequent taxes and assessments to those for which the tax sale, so called, was had, as paid by the defendant or occupant, with ten per cent. interest, and increase yearly thereon, adjudged and decreed by way of set-off or recuperant to the rents and profits; and if such improvements and sums so assessed and adjudged, shall exceed the use and occupation, the judgment of recove- Improveme'ts on streets, etc

City to remunerate.

Improvm'ts on property etc.

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ry of the land, shall not be enforced, but stayed by order of the court, sitting as in chancery, until the successful claimant shall have paid the same, with the costs of its assessment; and, if he neglects to pay for four months, the defendant or holder may proceed, by cross bill to subject the land to pay the sum under the original suit, by decree and order of sale of so much thereof as may be necessary to satisfy the same, and costs.

Same.

Possession under sale.

SEC. 25. *Be it further enacted*, That any person or persons holding possession of real estate, under a sale or deed for taxes or yearly revenue for street improvements, or for opening, widening or straightening the same, as herein set forth, shall be protected in such possession, unless the same is shown to be held by fraud, or in bad faith; and after such possession, under color of such sale, deed or tax title, for seven years, all suits for legal proceedings, to recover the property, shall be barred and prohibited; and no person having the right of action, and neglecting to bring suit to recover the property for that period, shall thereafter have any suit at law or equity against such occupant, who shall have all the benefits and protection of the law of this State, provided in sections 2763, 2764, and 2765, of the Code, and the tax sale should be held to be invalid.

Seven years bars all suits.

Liability of Assessor and Collector.

SEC. 26. *Be it further enacted*, That the Assessor and Collector, with their securities, shall, each, be held liable and bound to pay, on their bonds, to the city, or to any persons interested, hereby authorized to bring suit thereon in the name of the city, at their costs as relates the full amount of all sums lost to the city or such parties from the neglect of such Assessor to assess, return, or otherwise faithfully complete his assessment and proceeding; and the Collector, from any neglect to proceed and complete the collection of the revenue list, or taxes delivered to him; and a like liability will be held on the bond of the Collector, or any failure to collect for street improvements, including all proceedings in his charge for opening, widening or straightening streets.

Collector's powers, etc.

SEC. 27. *Be it further enacted*, That the Collector in office is authorized and empowered to perform all acts, to execute all certificates or deeds not done and performed or executed by any of his predecessors, with the same validity as when completed by such predecessor who commenced the same as authorized or required by law; and the Collector executing the certificate or deed shall acknowledge the same before the proper officer, and the same will be admitted to registration, upon the certificate of acknowledgement or other conveyances.

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SEC. 28. *Be it further enacted*, That the taxes heretofore assessed and unpaid to said city, or hereafter under her authority, including all assessments for street improvements, for opening, widening or straightening streets, or otherwise lawfully made, constitute valid and subsisting debts and legal obligations due and owing from the owner or owners of the property assessed to said city; and the same may be sued for and collected by judgments and executions, or orders of sale, as ordinary debts and obligations due the city, are in the courts of law or equity in this State. Taxes asses'd valid debts.

SEC. 29. *Be it further enacted*, That all proceedings heretofore had to subject real estate, in said city, to sale for delinquent taxes, shall, by the courts, be presumed as a rule of evidence, to have been regular; and the Revenue Collector's report, that the owners or claimants have no goods or chattels on which he could distrain for the taxes, shall not be contravened; and such proceedings may be continued under the laws of the city and ordinances heretofore in force, aided and sustained, so far as applicable by this Act. All taxes and assessments heretofore made, assessed or levied, and the charter, laws and ordinances of said city, and all sales of property, both real and personal, or either, heretofore made for delinquent taxes thereon, are hereby declared legal and valid; and the same rules of evidence as to the legality and regularity of such assessments and sales shall apply as are prescribed in this Act. Proceedings made regular. Assessments and sales legalized.

SEC. 30. *Be it further enacted*, That the tax on merchant's license, and sales with privileges of trade and manufacture, will be so far modified and regulated by the judgment and discretion of the City Council that business industry and trade will be relieved of any unequal burthens, and property will bear a uniform share of taxation, while amusements and occupations requiring police supervision shall be taxed for the privileges granted. Privilege taxes, etc.

SEC. 31. *Be it further enacted*, That the Mayor and City Council are empowered and directed, to provide, by ordinance, for any defects in the assessment of taxation and mode of collecting the same, both for yearly revenue and street improvements, and they enforce the assessment and collection upon every species of property, and render the proper officers responsible for any neglect of duty. Council to provide for defects.

SEC. 32. *Be it further enacted*, That hereafter, no member of either house of the City Council shall be eligible to any office within the gift of the corporation during the term for which he may have been elected. Ineligibility to office.

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Proceedings made legal.

SEC. 33. *Be it further enacted*, That nothing in this Act, shall, in any manner, impair any proceedings already had to subject real and personal property within said city, sold for non-payment of taxes; and all proceedings in that behalf heretofore made, under the laws and ordinances of said corporation, are hereby declared legal and valid.

Commiss'er of Registration.

SEC. 34. *Be it further enacted*, That the judges and clerks of all elections held under the charter of said city, shall be appointed by the Commissioner of Registration for Davidson County, who is authorized to install in office all persons elected, in case the municipal authorities fail or refuse to do so.

Jurisdiction of Recorder of Springfield.

SEC. 35. *Be it further enacted*, That the Recorder, in the town of Springfield, in Robertson County, be, and he is hereby, invested with concurrent jurisdiction with Justices of the Peace, in all cases of violation of the criminal laws of the State; and also, with full power and authority to try and punish all persons guilty of a violation of the ordinances of the Mayor and Aldermen of said town; *Provided*, said violation takes place within the corporate limits of said town of Springfield.

Powers of Mayor & Aldermen of Springfield.

SEC. 36. *Be it further enacted*, That the Mayor and Aldermen of said town of Springfield, shall have power to regulate the police of the town; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery before the Recorder of said town; to provide for the arrest and confinement until trial, of all riotous and disorderly persons within said town, by day or by night; to prevent and punish, by pecuniary penalties, all breaches of the peace, noise or disturbance, or disorderly assembles in any street, house or place, in said town, by day or by night. They shall have power, also, to erect and use as they may choose, a work-house, jail or calaboose, in or near said town; and any person who shall fail or neglect to pay, or secure to be paid, any fine and costs, or fines or costs, imposed upon him, the Recorder of said town, sitting as a court, as by this Act he is fully authorized to do, shall be, by said Recorder, committed to said work-house, jail or calaboose, for such time as said Recorder may determine. The person so committed, may and shall have the privilege to work for said town, at such labor as his health and strength will permit, not exceeding ten hours per day; and for such work and labor, the person so employed, shall be allowed, exclusive of his board, a credit upon such fine and cost, of one dollar and fifty cents per day, until the whole is discharged, when

Work-house, jail, etc.

Same.

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he shall be released; *Provided*, that no person shall be compelled to work longer than three months for any one offense.

Town Constable.

SEC. 37. *Be it further enacted*, That the Town Constable of said town of Springfield, shall have power to execute State Warrants, or other process which Constables generally have power to execute, within the corporate limits of said town.

By-Laws, etc.

SEC. 38. *Be it further enacted*, That the Town Constable of said town shall, in all respects, after his election to office, be subject to the by-laws, orders, rules and regulations of the Mayor and Aldermen of said town; and for any violation, neglect or disregard of said by-laws, orders, rules and regulations, he shall, at the will and in the discretion of said Mayor and Aldermen, be removed from office; and should a vacancy occur in said office of Town Constable by such removal, or from any other cause, the said Mayor and Aldermen shall proceed to elect another individual qualified to fill said office, who shall serve for the residue of the term of said Constable.

Vacancy.

Fees.

SEC. 39. *Be it further enacted*, That the fees of said Town Constable and Recorder, be the same as Justices of the Peace and other Constables.

Madison Co'y Commiss'ners

SEC. 40. *Be it further enacted*, That the 12th and 16th sections of An Act entitled "An Act to create a Board of County Commissioners for Madison County," passed March 12, 1868, are hereby repealed.

Town of Clinton.

SEC. 41. *Be it further enacted*, That the town of Clinton, in the County of Anderson, and the citizens thereof, are hereby incorporated, by the name and style of the "Mayor and Aldermen of the town of Clinton;" and may have and use a common seal; and may by the name and title aforesaid, sue and be sued, plead and be impleaded; may have, receive, purchase and hold, property, whether real or personal, and may grant, sell or dispose of the same for the use of said town.

Commiss'ners to lay off town etc., etc.

SEC. 42. *Be it further enacted*, That William Whitson, John Leinart, James N. Ry, Calvin Adkins, and —— Job, be, and they are hereby, appointed Commissioners to lay off said town, for the convenience of its citizens, into streets and alleys, and extend its limits over such other territories as a majority of the citizens shall elect, and determine the number of Aldermen for said town, a majority of whom may act; and before entering on the discharge of their duties, they shall each take and subscribe an oath, before some Justice of the Peace for Anderson County, faithfully

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to perform the duties required of them by this Act; and they may be paid by the corporation of the town of Clinton, two dollars each, per day, for each day they shall be necessarily engaged in the duties required of them by this Act.

Election of officers.

SEC. 43. *Be it further enacted*, That the Mayor of said town, and Recorder and Constable thereof, shall be elected by the qualified voters in said corporation, at an election to be held in the town of Clinton, on the last Saturday of April in each year.

Same.

SEC. 44. *Be it further enacted*, That at the same time and place, there shall be an election for three or more Aldermen, as the Commissioners may think best. The election provided for in this Act, shall be held by the Commissioner of Registration of Anderson County, or such deputy as he may appoint; and he shall give notice in writing, at the court-house in said town, for ten days, of the time and place of said election; and shall give to each person elected, a certificate thereof, within five days after the election; which certificate shall be spread upon the records of said corporation.

Voters.

SEC. 45. *Be it further enacted*, That no person shall be Mayor or Alderman of said town, unless he is a qualified voter under the Franchise Law; and no one shall vote for Mayor or Alderman, unless they have the same qualification.

Powers of B'd of Aldermen.

SEC. 46. *Be it further enacted*, That the Mayor and three or more Aldermen, as the Commissioners may determine, thus elected, shall compose the Board of Mayor and Aldermen of the town of Clinton, and shall have all the powers and privileges, and be subject to all the liabilities and exemptions, of the Mayor and Aldermen of said town, by existing laws.

How elections to be held.

SEC. 47. *Be it further enacted*, That said elections shall be held by at least one clerk and two judges, summoned by the Sheriff or his deputy; and the polls shall be opened by 2 o'clock, P. M., and shall not be closed before 4 o'clock, or dark, the same evening; and they shall take the oaths prescribed for clerks and judges of election for Governor, members of Congress, and members of the Legislature, so far as applicable; and shall have the same powers, and be subject to the same duties, as far as applicable.

Tie Vote.

SEC. 48. *Be it further enacted*, That the persons having the highest number of votes for any of said offices, shall be elected; *Provided*, that if two or more persons shall have the highest and equal number of votes, that the Commissioner of Registration shall order another

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election for said office, first giving the notice required by the 4th section of this Act.

Contested elections.

SEC. 49. *Be it further enacted*, That contested elections for the different offices under this Act, shall be decided in such manner as the Mayor and Aldermen may prescribe.

When to qualify.

SEC. 50. *Be it further enacted*, That the Mayor and Aldermen, and other officers elected under the provisions of this Act, shall meet and qualify on the last Saturday in May, 1868, and forever after on the last Saturday in each and every year.

Who to collect taxes, etc.

SEC. 51. *Be it further enacted*, That the Recorder of said corporation shall be Treasurer and Collector of taxes and privileges; and the Constable shall be collector of all other taxes; and the Board of Mayor and Aldermen shall take bond and security from each of them for the faithful performance of their respective duties, in such sum as said Mayor and Aldermen shall deem right; and in taking said bonds, the obligors must all be present at the time of its reception by the Board of Mayor and Aldermen, and acknowledge the same.

Tax-List.

SEC. 52. *Be it further enacted*, That the tax list of the property within said corporation, made out under authority of the Mayor and Aldermen, in pursuance of the laws and ordinaces of said corporation, shall have the same force and effect in the hands of the Constable of said corporation as the tax list has in the hands of a Sheriff or Collector; and all laws on the subject of collecting the State and county tax, and enforcing their collection, shall, so far as applicable, apply to the collection of the taxes of said corporation.

Town of Gadsden, powers, etc.

SEC. 53. *Be it further enacted*, That the citizens of Gadsden, in the County of Madison and State of Tennessee, are hereby incorporated, by the name of "Mayor and Aldermen of Gadsden;" and by that name may sue and be sued, contract and be contracted with; hold real and personal property; assess taxes to improve the streets and public squares; and pass all ordinances necessary for the benefit and good order of he town.

Bound'ry line of Corporati'n

SEC. 54. *Be it further enacted*, That the boundary lines of said corporation shall be as follows: Commencing at A. W. Brooks' lot, No. 77, south-east corner, running northward so as to include C. Brigancis' premises; thence west so as to include the residence of A. W. Brooks; thence west with Ely Baykin's south boundary line to the lane between E. Baykin and Thomas Hudgin's; thence with said lane to the first branch running west; thence up said branch to the railroad; thence with

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said road to the Ashport road; thence with said Ashport road, to the beginning.

Election of officers, etc.

SEC. 55. *Be it further enacted*, That there shall be elected by the qualified voters of said town, a Mayor and six Aldermen, who shall hold their offices for twelve months, and until their successors are elected; and it shall be the duty of the proper officer of said county to advertise and hold the first election—that the said Board of Mayor and Aldermen may appoint a Constable to execute all corporation business as may be necessary; and, after the first election, shall hold the election provided for in this Act; and give bond and security in such sum as may be fixed by said Board for the faithful performance of his duty.

Rights and powers.

SEC. 56. *Be it further enacted*, That five of the Aldermen shall constitute a quorum to do business; they shall keep a record of their proceedings; and shall have power to make all by-laws and ordinances necessary for the good order of said town, not inconsistent with the laws of this State.

Town of Decherd.

SEC. 57. *Be it further enacted*, That the first election for town officers in the town of Decherd, Franklin county, Tennessee, shall take place on the first Saturday in April, 1868. In all other respects the Act incorporating said town, passed by this General Assembly, shall remain as now; and all laws, or parts of laws, in conflict herewith, be, and the same are hereby, repealed.

SEC. 58. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 16, 1868.

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RESOLUTIONS.

NUMBER I.

SENATE RESOLUTION Informing the House of the Organization of the Senate.

Resolved, That the Clerk of the Senate inform the House of Representatives that the Senate is now organized and ready to proceed to business.

D. W. C. SENTER,
Speaker of the Senate.

Adopted October 7th, 1867.

NUMBER II.

HOUSE RESOLUTION to Open the Daily Proceedings with Prayer.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the daily proceedings of the House of Representatives shall be opened by prayer; and to this end, the Speaker be authorized to invite the loyal Clergymen present in the City, to officiate.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 7, 1867.

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NUMBER III.

SENATE RESOLUTION Adopting the Rules of 1865–6, for the Government of the Senate.

Resolved, That the Rules of the Senate of 1865–6, be adopted for the government of this body, and that 100 copies be printed for the use of the Senate.

D. W. C. SENTER,
Speaker of the Senate.

Adopted October 8, 1867.

NUMBER IV.

HOUSE JOINT RESOLUTION Providing for Convention of both Houses, to compare vote for Governor.

Resolved by the General Assembly of the State of Tennessee, That the two Houses meet in the Representative Hall on Wednesday, the 9th inst., at 10½, A. M., for the purpose of comparing the vote cast in the election for Governor, held on the 1st Thursday of August, 1867, in the State of Tennessee.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Adopted October 9, 1867.

NUMBER V.

SENATE JOINT RESOLUTION Raising a Committee to inform the Governor of the Organization of the two Houses.

Resolved, That the Speaker of the Senate appoint a Special Committee of three to act in conjunction with

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such committee as may be appointed on the part of the House of Representatives, to wait upon His Excellency, Gov. William G. Brownlow, and inform him that the two Houses of the General Assembly have organized, and are now ready to receive any communication that he may have to submit for consideration.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted October 9, 1867.

NUMBER VI.

HOUSE RESOLUTION Tendering Thanks to Hon. Isaac J. Roach.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the thanks of this House be tendered to Hon. Isaac J. Roach, for the very able and efficient manner in which he discharged the duties of the Chair until a Speaker was elected.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 9, 1867.

NUMBER VII.

SENATE RESOLUTION Authorizing the Speaker to solicit ministers of the Gospel to open daily proceedings of the Senate, with prayer.

Resolved, That the Speaker of the Senate be, and he is hereby, authorized and requested, to invite such Ministers of the Gospel as he may select, to daily suplicate

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a Throne of Grace, for wisdom and righteousness to guide our acts for the well-being of our State and Nation—the preservation of our free institutions, and the harmony, happiness and prosperity of the American people.

D. W. C. SENTER,
Speaker of the Senate.

Adopted October 9th, 1867.

NUMBER VIII.

SENATE JOINT RESOLUTION Notifying His Excellency, Wm. G. Brownlow, of his Election as Governor.

Resolved by the Senate, (the House concurring,) That a Committee of two upon the part of the Senate, and —— upon the part of the House, be appointed by the Speaker, to notify His Excellency, Wm. G. Brownlow, of his election as Governor of the State of Tennessee, and request him to designate what hour would suit him to be inaugurated, and report.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W, C. SENTER,
Speaker of the Senate.

Adopted October 9th, 1867.

NUMBER IX.

SENATE RESOLUTION Directing Comptroller to issue his Warrant for Postage Stamps, for use of Senate.

Resolved, That the Comptroller issue his warrant to the Principal Doorkeeper, to purchase three hundred dollars' worth of Postage Stamps, for the use of the members and officers of the Senate, and the same to be incorporated in the General Appropriation Bill at the close of the session.

D. W. C. SENTER,
Speaker of the Senate.

Adopted October 9th, 1867.

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NUMBER X.

HOUSE RESOLUTION Directing Comptroller to issue his Warrant for Postage Stamps, for each member.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Comptroller be, and he is hereby, required to issue his warrant for the sum of ten (10) dollars for each member and officer of this House, for the purpose of procuring Postage Stamps for the use of the members and officers of this House.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 9th, 1867.

NUMBER XI.

SENATE RESOLUTION Allowing Senators to subscribe for daily papers at expense of the State.

Resolved, That the Members and Officers of the Senate select, each, three daily papers, and no more; and that the same be paid for out of the State Treasury.

D. W. C. SENTER,
Speaker of the Senate.

Adopted October 9, 1867.

NUMBER XII.

HOUSE JOINT RESOLUTION Notifying His Excellency, Wm. G. Brownlow, of his Election as Governor.

Resolved by the General Assembly of the State of Tennessee, That a Committee of three be appointed on the

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part of the House of Representatives, and such Committee as the Senate may appoint, to notify His Excellency, Governor William G. Brownlow, of his election as Governor of the State of Tennessee, and request him to designate what time will suit him to be inaugurated.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted October 9, 1867.

NUMBER XIII.

SENATE JOINT RESOLUTION to Participate in the Inauguration of the Governor.

Resolved by the Senate, (the House concurring,) That the Senate meet the House, in the Hall of the latter, at 10 o'clock, A. M., to-morrow, for the purpose of participating in the exercises connected with the inauguration of the Governor elect.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted October 9, 1867.

NUMBER XIV.

HOUSE RESOLUTION Allowing members to subscribe for daily papers at expense of State.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the members and officers of the House be authorized to subscribe for three daily papers; and the expense thereof to be provided for in the General Appropriation Bill.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 10, 1867.

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NUMBER XV.

HOUSE RESOLUTION Raising Committee on Immigration.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Speaker of this House appoint a Special Committee of *three*, on Immigration—one from each Division of the State.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 11, 1867.

NUMBER XVI.

SENATE RESOLUTION Referring Governor's Message to the Standing Committees of the Senate.

Resolved, That the portions of the Governor's Message, relating to the various subjects therein set forth and recommended, be referred to the respective Standing Committees of the Senate having charge of those subjects, respectively; and that said Committees take the same under their earnest consideration, and report such measures as, in their judgment, may be necessary and proper.

D. W. C. SENTER,
Speaker of the Senate.

Adopted October 11, 1867.

NUMBER XVII.

HOUSE RESOLUTION Requiring copies of the Code to be furnished Chairmen of Committees.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the proper offi-

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cer, in whose possession the same may be, is hereby required to issue to the Chairman of each of the Standing Committees of this House, for the use of the several Committees, a copy of the Code of the State—said Code to be returned to the State Librarian, at the expiration of the session.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 16, 1867.

NUMBER XVIII.

HOUSE RESOLUTION Directory to the Committee on Military Affairs.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Standing Committee on Military Affairs, be, and it is hereby, invested with power to investigate the past and present workings of the Adjutant-General's office; and to which end, said Committee is authorized to send for persons and papers.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 16, 1867.

NUMBER XIX.

HOUSE JOINT RESOLUTION Directing Treasurer to pay Members and Officers.

Resolved by the General Assembly of the State of Tennessee, That the Treasurer of the State pay to each member of the Senate and House of Representatives, and the officers thereof, the amount that may be due, when they

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apply for the same, and take a receipt for the same; which shall be good at the close of the session, in the settlement of their accounts.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted October 17, 1867.

NUMBER XX.

HOUSE JOINT RESOLUTION to Procure Postage Stamps for members and officers.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller be, and he is hereby, required to issue his warrant for the sum of ten dollars for each member and officer of the House and Senate, for the purpose of procuring Postage Stamps for the use of said members and officers.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted October 17, 1867.

NUMBER XXI.

HOUSE RESOLUTION Declaring the Seat of Hon. H. P. Murphy, Vacant.

WHEREAS, The returns of the election for Representative of Johnson County in the present Legislature, are very defective and irregular, so much so that it is very difficult for this body to ascertain clearly who is the choice of the people of said county, the sitting member, H. P. Murphy, or the contestant, J. W. M. Grayson; Therefore,

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Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the seat of Hon. H. P. Murphy, the sitting member from said county of Johnson, is hereby declared vacant; and that His Excellency, the Governor of Tennessee, is requested, forthwith, to order a new election to fill the vacancy.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 17, 1867.

NUMBER XXII.

HOUSE RESOLUTION Directing the Clerk to notify the Governor of the vacancy of the Seat of the Representative from Johnson County.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Clerk of this House notify His Excellency, the Governor, immediately, that a vacancy exists in this House from the County of Johnson.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 17, 1867.

NUMBER XXIII.

SENATE JOINT RESOLUTION Raising a Committe to take into consideration the Constitution and the Governor's Message.

Resolved by the Senate, (the House concurring,) That a Joint Committee, to be composed of three on the part of the Senate, and ——— on the part of the House, be appointed to carefully take into considerstion the Constitution of the State, and so much of the Governor's Message as refers to the 16th Section of the Franchise

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Law, and report as soon as practicable, what amendments are necessary to be proposed to the Constitution of the State.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER.
Speaker of the Senate.

Adopted October 21, 1867.

NUMBER XXIV.

SENATE JOINT RESOLUTION to Inquire into the nature of suits against Commissioners of Registration.

Resolved by the General Assembly of the State of Tennessee, That the Governor, Secretary of State, and Comptroller, are hereby required to examine into the nature of all suits against the parties who were appointed to register the names of the qualified voters in the State; and if said Commissioners of Registration have complied with the law, the expenses of and damages to said Commissioners, arising from said suits, shall be paid out of the Treasury, on the warrant of the Comptroller.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted October 21, 1867.

NUMBER XXV.

SENATE JOINT RESOLUTION Providing for the Election of a United States Senator.

Resolved by the General Assembly of the State of Tennessee, That in pursuance of An Act of Congress in such case made and provided, the Senate and House of Rep-

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resentatives will, on Tuesday the 22d inst., at 12 o'clock, M., proceed to vote in each House *viva voce* for a Senator in the Congress of the United States, for six years from the 4th of March, 1869, in place of Hon. D. T. Patterson, whose term expires on said 4th of March, 1869; and that the Senate meet the House of Representatives in the Hall of the latter, at 12 o'clock, M., on the 23d inst., to count the vote for Senator, and to proceed further in said election, should no person have the required majority.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted October 21, 1867.

NUMBER XXVI.

SENATE JOINT RESOLUTION Instructing the Secretary of State as to disposition of Codes.

Resolved by the General Assembly of the State of Tennessee, That copies of the Code of Tennessee, being ninety-five in number, referred to in the communication of the Secretary of the State, of the 10th of October, 1867, be deposited by him in the State Library.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted October 21, 1867.

NUMBER XXVII.

HOUSE RESOLUTION Directory to the Committee on Finance, Ways and Means, as to Revenue Laws.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Com-

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mittee on Finance, and Ways and Means, be directed to consider and report on the subject of an explanatory Act, defining the meaning of the Revenue Law of 1865, in reference to insurance companies.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 21, 1867.

NUMBER XXVIII.

HOUSE RESOLUTION Appointing Capt. Heydt Sergeant-at-Arms.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That Captain Heydt be hereby appointed Sergeant-at-Arms of this House; and shall only draw pay during the time he may be in active service as such.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 22, 1867.

NUMBER XXIX.

HOUSE JOINT RESOLUTION to pay Hon. H. P. Murphy and J. W. M. Grayson.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller be, and he is hereby, authorized to issue his warrant to Hon. H. P. Murphy and Mr. J. W. M. Grayson, for their *per diem* and mileage; and that the amount so paid shall be included in the General Appropriation Bill.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Adopted October 23, 1867.

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NUMBER XXX.

HOUSE RESOLUTION Directory to the Comptroller in relation to Funds received from Railroads.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Comptroller report to this House, specifically, what amount has been paid into the Treasury by the railroads of the State, of the tax assessed on passengers for the benefit of Free Schools, in pursuance of An Act to establish a school system.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 23, 1867.

NUMBER XXXI.

HOUSE RESOLUTION Directory to Comptroller in relation to Receipts and Disbursements of his office.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Comptroller make out and report to this body an account of his receipts and disbursements, from the time of his taking possession of the duties of his office, to the 1st of October, 1867.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 23d, 1867.

NUMBER XXXII.

HOUSE RESOLUTION to Print List of Members.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That one hundred

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and fifty copies of a list of the full names of the members of the House of Representatives, with their respective Post-office address, etc., county attached, be printed for the use of the members of this House.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 23d, 1867.

NUMBER XXXIII.

HOUSE RESOLUTION Directory to Committee on Internal Improvements.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Committee on Internal Improvements be, and they are hereby, requested to investigate into the necessity and practicability of improving the navigation of the Cumberland River, and report the result of their labors.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 24th, 1867.

NUMBER XXXIV.

HOUSE RESOLUTION Declaring the seat of W. J. Hurt, vacant, and requesting the Governor to order an election.

WHEREAS, There is some controversy as to the legality of the election of W. J. Hurt, Representative from Henry County; *and whereas,* the said W. J. Hurt requests the House to refer said election back to the voters of said county; Therefore,

Be it resolved by the House of Representatives of the State of Tennessee, That the seat of the said W. J. Hurt, Representative from the County of Henry, be, and the same is hereby, declared vacant; and the Clerk of this House is, hereby, directed to inform the Governor of

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said vacancy, and request him to issue a writ of election to fill said vacancy; and, that he, also, be requested to appoint a Commissioner of Registration for said county of Henry, there being a vacancy in said office at present.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 26th, 1867.

NUMBER XXXV.

HOUSE RESOLUTION Instructing Standing Committees as to printing Bills.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That, in addition to the respective duties of the Standing Committees of this House, it shall be their duty to report the expediency of printing the bills that are referred for their consideration.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 30th, 1867.

NUMBER XXXVI.

SENATE RESOLUTION Directory to the Warden of the Penitentiary.

Resolved, That the Warden of the Penitentiary be requested to report to this House, the number of convicts now in the Penitentiary, the time for which each convict was sentenced, and the particular offense, (as fully as possible,) of which each convict was adjudged guilty, and for which he is undergoing punishment.

D. W. C. SENTER,
Speaker of the Senate.

Adopted October 31, 1867.

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NUMBER XXXVII.

HOUSE JOINT RESOLUTION to Pay W. J. Hurt.

Resolved by the General Assembly of the State of Tennessee, That the Treasurer of the State be requested to pay W. J. Hurt, Representative from Henry County, the amount of his *per diem*, as a member of this House up to the present time, also mileage, as directed by law; and take his receipt therefor, which shall be a good voucher to said Treasurer; and shall be provided for in the General Appropriation Bill, at the end of the present session.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted October 31, 1867.

NUMBER XXXVIII.

HOUSE JOINT RESOLUTION in Relation to the Death of Hon. Robert S. Raulston.

Resolved by the General Assembly of the State of Tennessee, That we deeply regret the death of Hon. Robert S. Raulston, Representative from the County of Marion. That, in his death, this body has lost an experienced and useful member; the State, a good citizen; the Government, a firm and ardent supporter.

Resolved, further, That we sympathize with his family; and as a token of respect for his memory, that the members and officers of the General Assembly wear the usual badge of mourning for thirty days.

Resolved, further, That a copy of these resolutions be forwarded to his family, and the same spread on the Journal of this General Assembly.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 1, 1867.

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NUMBER XXXIX.

HOUSE JOINT RESOLUTION to Pay Henry Blurton, and others.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller audit and issue his warrant on the Treasurer, to Henry Blurton, A. W. Brooks, John B. Morris, R. B. Hurt, L. Newton, Wm. Alexander, J. J. McAlexander, T. L. Medlin, W. H. Bradley, G. E. Green, and J. K. Clingan, for their *per diem* and mileage as witnesses in the contested election of Madison County, at the rate of two dollars per day, and eight dollars per hundred miles traveled in a direct line.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Adopted November 1, 1867.

NUMBER XL.

HOUSE RESOLUTION Directory to the Comptroller and Quartermaster-General, in relation to Expenditures.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Comptroller is hereby directed, to make out, in writing, and furnish this House with a complete account of the money drawn from the Treasury, for the use, and used by, the Quartermaster-General's Office, from April 15th, 1865, down to the present time.

Resolved, further, That the Quartermaster-General is hereby directed to report, in writing, to this House, how much money he has received from the State Treasury, and in what way it has been expended—how much for Quartermaster, Commissary, and Ordnance Stores. Report to be made in detail.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted November 4, 1867.

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NUMBER XLI.

SENATE JOINT RESOLUTION Raising a Committee on Special Executive Message, No. 3, in relation to certain machinery.

Resolved by the General Assembly of the State of Tennessee, That a Joint Special Committee of three be appointed on the part of the Senate, and five on the part of the House, to take in consideration the Governor's Special Message in regard to valuable machinery now in his hands, subject to the disposal of the Legislature.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 6, 1867.

NUMBER XLII.

HOUSE JOINT RESOLUTION Directing Comptroller to issue Warrant to Capt. Heydt.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller issue his warrant on the Treasurer of the State of Tennessee, for the sum of one hundred and thirty-two dollars and seventy-five cents, to Capt. Wm. Heydt, Sergeant-at-Arms of the House of Representatives, to reimburse him for money expended in the burial of Hon. R. S. Raulston, late a member of the House of Representatives; and that said amount be included in the General Appropriation Bill.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 6, 1867.

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NUMBER XLIII.

HOUSE RESOLUTION Directing the Committee on Banks to examine into the condition of the Branch Bank of Tennessee, at Rogersville.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Committee on Banks be instructed to examine into the condition of the Branch of the Bank of Tennessee, that was located at Rogersville, and ascertain if there are any debts yet due the said Branch Bank of Tennessee, that are good; and also, if there is any real estate belonging to the Bank; and if there is any real estate that had been bid off by the officers of the Bank, that has never been redeemed by the parties against whom judgments were obtained.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted November 6, 1867.

NUMBER XLIV.

HOUSE RESOLUTION Raising a Committee to investigate the counting, etc., of the Coin of the Bank of Tennessee.

WHEREAS, Serious charges have been publicly made and printed, and widely circulated, that there were frauds and peculations in the counting, management and sale of the Coin belonging to the Bank of Tennessee, and other valuable assets thereof; *and whereas*, it is due to the people of the State, that a thorough investigation should be made; also due to the officers and persons implicated; Therefore,

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That a Committee of five members of this House be appointed, with full power to send for persons and papers, to investigate the whole subject mentioned in the preamble; and that said Committee be required to report the facts in the case. to this House, in writing, as soon as practicable.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted November 7, 1867.

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NUMBER XLV.

SENATE RESOLUTION Raising a Committee on Immigration.

Resolved, That the rules adopted for the government of the Senate, be so amended, as to raise an additional Standing Committee known as the Committee on Immigration.

D. W. C. SENTER,
Speaker of the Senate.

Adopted November 7, 1867.

NUMBER XLVI.

HOUSE RESOLUTION Raising a Committee on Immigration.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the rules of this House be so amended, as to create an additional Standing Committee, to be known as the Committee on Immigration.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted November 7, 1867.

NUMBER XLVII.

SENATE JOINT RESOLUTION Raising a Committee on Executive Message No. 5.

Resolved, That the Committee of the Senate and House, on the Penitentiary, be, and they are hereby, created a Joint Committee on the Governor's Message

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No. 5, with power to send for persons and papers; that they investigate the subject therein, and report by Bill, or otherwise.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 8, 1867.

NUMBER XLVIII.

HOUSE RESOLUTION Requiring Capt. Heydt to place Stove in Speaker's room.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That Capt. Heydt is hereby required to place a Stove in the room of the Speaker of the House, and to present the bill of expenses of the same to the House.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted November 8, 1867.

NUMBER XLIX.

HOUSE RESOLUTION Requiring the Committee on the Penitentiary to investigate the financial management of the same.

WHEREAS, The State Penitentiary has, for a number of years, required constant appropriations of large sums for its maintenance, while other institutions of the same kind in our sister States are self sustaining; Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Committee on the Penitentiary be required to investigate the financial management of said institution, and

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inquire into the causes that have made our Penitentiary a leech on the Public Treasury of the State; and that the Chairman be instructed to make a written report of the result of their investigation, for the use of this House.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted November 8, 1867.

NUMBER L.

HOUSE RESOLUTION, Raising a Committee to investigate the conduct of Judge Thomas Barry, Chancellor, etc.

WHEREAS, The Hon. Thomas Barry, Chancellor of the District composed of Sumner, Macon, Jackson, Robertson, Montgomery and Stewart Counties, and Judge of the Circuit Court of Sumner County, has been guilty of high crimes and misdemeanors in his office as Chancellor and Judge, and has countenanced open opposition to the laws of the State, and has denounced the Legislature openly as an illegal body, usurping the powers of a General Assembly; and,

WHEREAS, He, the said Barry, has been guilty of other and notorious conduct in derogation of his said office, bringing deep disgrace upon the Judiciary of the State of Tennessee; Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Tennessee, That a committee of five members of the House of Representatives be appointed to investigate the conduct of said Barry, as said Chancellor and Judge, with power to send for persons and papers, and all other such evidence as they may deem necessary; and in case they shall be warranted thereby in so doing, shall prefer Articles of Impeachment against the said Barry, and submit the same to this body.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted November 8, 1867.

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NUMBER LI.

SENATE JOINT RESOLUTION Raising a Committee on Senate Bill No. 14.

Resolved by the Senate, (the House concurring,) That a Joint Select Committee of five on the part of the Senate, and seven on the part of the House, be raised to take into consideration Senate Bill No. 14, and report upon the same, at as early a day as practicable.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 11, 1867.

NUMBER LII.

SENATE JOINT RESOLUTION Suspending J. S. Hull, Warden of of the Penitentiary.

WHEREAS, The Senate is in possession of official information of a conflict between the Directors and Warden of the Penitentiary, involving the public interest of the State; Therefore,

Be it resolved by the Senate, (the House concurring,) That J. S. Hull be, and he is hereby, suspended from the exercise of the functions of the office of Warden of the Penitentiary, until an examination of the questions involved can be investigated and reported for the consideration of the General Assembly; and the Directors are hereby authorized to appoint an acting Warden for such time as may be occupied in said investigation.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 11, 1867.

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NUMBER LIII.

HOUSE RESOLUTION Directory to the Judiciary Committee, in relation to Criminal Prosecutions instituted before the War.

WHEREAS, Numerous prosecutions were begun prior to the late war in the Criminal Courts of this State; *and, whereas,* said suits were instituted in good faith under the then existing laws of the State; *and, whereas,* the same were dismissed during the early stages of the late war, and many witnesses in behalf of the State have never received any compensotion for their services; Therefore,

Be it resolved by the House of Representatives of of the General Assembly of the State of Tennessee, That the Committee on the Judiciary, are hereby instructed to investigate the laws, and see if said witnesses can be legally compensated; and if so, report a Bill to that effect as soon as practicable.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted November 11, 1867.

NUMBER LIV.

HOUSE RESOLUTION Directing Members to furnish Principal Clerk with names of Papers subscribed for.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That each member and officer of this House shall furnish the Principal Clerk with the number and names of the newspapers he has subscribed for, who shall make out a list of the same, which list shall be for the use of the Comptroller. The Comptroller is directed not to pay for any papers sent to this House, except those actually subscribed for.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted November 11, 1867.

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NUMBER LV.

SENATE JOINT RESOLUTION Instructing our United States Senators, etc., in relation to Tax on Cotton.

WHEREAS, The tax imposed by the Government of the United States upon cotton grown therein, rests as a burden upon the labor of the country, and especially upon employés and small producers, which, in the present depressed value of that staple, is oppressive and ruinous; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be, and are hereby, instructed, and our Representatives requested, to use their influence to procure the repeal or modification of the tax on cotton and tobacco.

Resolved further, That the Secretary of State of the State of Tennessee make a fair copy of this Resolution, and transmit the same to the Senators and Representatives of this State in the Congress of the United States.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 12, 1867.

NUMBER LVI.

HOUSE JOINT RESOLUTION to purchase two thousand copies of Rev. Herman Bokum's Book on the Resources of Tennessee.

WHEREAS, The Rev. Herman Bokum has prepared a work on the resources of Tennessee, with special reference to immigration. The object of the work is to introduce into the State, capital and labor. The work comprises about one hundred and twenty-five pages, and is to be sold for fifty cents—the manuscript is ready for inspection. It has been partly examined by His Excellency, the Governor, and is warmly recommended by

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him. The work comes to the aid of every measure bearing on the internal improvements of the State, and touches the interest of every county. Mr. Bokum has been, for many years, intimately connected with the capitalists of the North, especially those of Philadelphia; and as a prominent minister of the German Reformed Church, his influence extends to the substantial Germans in Pennsylvania and in Germany. He has obtained one thousand subscribers for his work. It is proposed that the Legislature buy of the first edition one thousand copies in English, and one thousand in German, for the distribution in the North and in Germany. This has been done by the Legislatures of all the North-Western States; Therefore,

Resolved by the General Assembly of the State of Tennessee, That two thousand copies of the first edition of Rev. Herman Bokum's work on the resources of Tennessee, be bought—one thousand in English, and one thousand in German—for free distribution in the North, and in Germany, after distributing one copy in English to each of the members of the General Assembly, and its officers.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 12, 1867.

NUMBER LVII.

HOUSE JOINT RESOLUTION to Pay W. G. Cockrill his mileage and *per diem*.

Resolved by the General Assembly of the State of Tennessee, That W. G. Cockrill be allowed his mileage and *per diem*, as a member of this House from the county of Madison, from the first Monday in October, 1867, until November 5th, 1867; and that the amount be included in the General Appropriation Bill.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 12, 1867.

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NUMBER LVIII.

HOUSE JOINT RESOLUTION Raising a Committee to investigate and report on Railroad Accounts.

Resolved by the General Assembly of the State of Tennessee, That a Committee of two members on the part of the House, and one on the part of the Senate, be appointed to investigate into the condition of the railroad sinking fund accounts. The Committee to report specially the amount of debits and credits of each road, and the character of the funds in the hands of the Comptroller, with power to send for persons and papers.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 12, 1867.

NUMBER LIX.

HOUSE JOINT RESOLUTION Raising a Committee to investigate the conduct, etc., of Railroad Receivers.

Resolved by the General Assembly of the State of Tennessee, That a Joint Committee be appointed, of three on the part of the House and two on the part of the Senate, to investigate and report the condition of the accounts of railroad companies, at the time of their surrender to Receivers; and also to investigate into the accounts of receipts and disbursements of Receivers of railroads, and the expenses of conducting or running said roads, with power to send for persons and papers.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 12, 1867.

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NUMBER LX.

HOUSE JOINT RESOLUTION Instructing Senators and requesting Representatives in Congress, to use their influence for the passage of a Bill for the payment of Militia organizations at Memphis, and in other parts of the State.

WHEREAS, By an order of General Wm. Sherman, commanding the Western Division of the Army of the United States, there was, from time to time, several organizations in the District of Memphis, Tennessee, for the purpose of assisting the United States forces in protecting the property of the United States at Memphis, Tennessee, and the citizens of West Tennessee generally; *and whereas*, said organizations being on duty most of the time during the years of 1862–'63–'64 and '65; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That our Senators be instructed, and our Representatives in Congress, be requested, to use their influence for the passage of a Bill now pending in the Congress of the United States, for the payment of the above organizations, for their services, also all other similar organizations of this State.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 12, 1867.

NUMBER LXI.

HOUSE JOINT RESOLUTION Raising Committee to consider that part of the Governor's Message in relation to settlement of accounts between Railroads and the State.

Resolved by the General Assembly of the State of Tennessee, That a Special Committee be appointed, consisting of three on the part of the House, and —— on the part of the Senate, to take into consideration so much of the Governor's Message as relates to the settlement of the accounts between the different railroads of this State,

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and the State; and the said Committee be directed to especially consider so much of the Governor's Message as relates to State appropriations in aid of certain railroads of this State. The said committee to be empowered to send for persons and papers, and to take testimony in reference to the application which has been made of the said appropriations.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 15, 1867.

NUMBER LXII.

SENATE JOINT RESOLUTION to Meet in Convention to elect a Register and Entry-Taker for the Hiwassee District.

Resolved by the General Assembly of the State of Tennessee, That the two Houses meet in Convention, in the Hall of the House, on Friday next, the 15th day of November, at 12 o'clock, M., for the purpose of electing a Register and Entry-Taker for the Hiwassee District.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 15, 1867.

NUMBER LXIII.

HOUSE JOINT RESOLUTION Raising a Committee to prepare Memorial to Congress, in relation to Railroads in Tennessee.

WHEREAS, The General Government did, at the close of the late war, sell and convey to sundry railroads of this State a large amount of rolling stock, equipments and material for the use of said roads—all of which

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was sold upon the credit of the said roads—which indebtedness amounts to the sum of about five millions of dollars; and,

Whereas, In the depressed condition of business in this State during the interval which has elapsed since such sale was made, it has been impossible for the said roads to meet the conditions upon which such sales were made, and this indebtedness is an incubus upon the development of the roads and the prosperity of the State; and,

Whereas, A large amount of rolling stock and material of these roads was taken, used and destroyed by the General Government during the war, and no credit for these or the use of the roads during that time, has been allowed; and,

Whereas, Large grants of Public Lands have been made to many of the States of the Union in aid of internal improvements; Therefore,

Resolved by the General Assembly of the State of Tennessee, That a Memorial be presented to the Congress of the United States, praying them, on behalf of the State of Tennessee, to donate and appropriate the amount of the said indebtedness, principal and interest, to the State of Tennessee; and, further,

Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to do all in their power to accomplish the objects of this Resolution.

Resolved, That a Special Committee of three on the part of the House, and —— on the part of the Senate, be appointed to prepare a Memorial embodying the purposes and objects of this Resolution.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 15, 1867.

NUMBER LXIV.

SENATE JOINT RESOLUTION to Pay Reporter of the Frazier Trial.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the State issue his warrant for four hundred dollars, to pay the Reporter in

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the Frazier trial; and that the same be incorporated in the General Appropriation Bill.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 16, 1867.

NUMBER LXV.

HOUSE JOINT RESOLUTION Raising Joint Committee to Examine and Report the Condition and Value of State property in the City of Nashville.

WHEREAS, The State of Tennessee possesses, owns, and holds a vast amount of property, both personal and real, within the corporate limits of the City of Nashville; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That a committee of three on the part of the House, and two on the part of the Senate, be appointed by the Speakers of the respective Houses, to examine said property, and report its condition and probable value.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 19, 1867.

NUMBER LXVI.

HOUSE JOINT RESOLUTION Requesting the Committee on Common Schools and Education of the respective Houses, to act as a Joint Committee on House Bills, Nos. 204 and 205.

Resolved by the General Assembly of the State of Tennessee, That the respective committees of each House on Common Schools and Education act as a Joint Commit-

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tee on House Bills Nos. 204 and 205, in relation to Agricultural Land-scrip, and the establishment of a State Agricultural College.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 19, 1867.

NUMBER LXVII.

HOUSE RESOLUTION Allowing use of the Hall of Representives to National Division of the Sons of Temperance.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the use of the Hall of Representatives, be, and is hereby, tendered to the National Division of the Sons of Temperance, for the use of said Division at its next annual session, to be held at Nashville in May and June of the year 1868.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted November 22, 1867.

NUMBER LXVIII.

HOUSE JOINT RESOLUTION Raising Joint Committee to inquire into the Management of Securities and other Funds, and the workings of the Comptroller's office.

Resolved by the General Assembly of the State of Tennessee, That a Joint Select Committee be appointed, consisting of three, on the part of the House, and two on the part of the Senate, with instructions to inquire into the mode in which the several securities and different funds have been managed in the office of the Comptroller; whether any changes have been made in the securities, how the accounts have been kept in said office, and to inquire fully how all matters touching the financial interest of the State have been managed in the several

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offices of the State. The committee will also ascertain what amount of interest has been paid on the State coupon bonds, and what amount should have been paid, so as to ascertain whether any payments have been improperly made; that the committee have power to send for persons and papers, and that said committee shall report to this General Assembly now in session.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 26, 1867.

NUMBER LXIX.

HOUSE JOINT RESOLUTION Requesting Report from Surgeon-General of the State.

Resolved by the General Assembly of the State of Tennessee, That the Surgeon-General of the State be, and he is hereby, requested to report to this General Assembly the number and character of all cases treated by him under the organization of the Tennessee State Guards; the amount of medical aid employed, if any; the name, date, place and price charged for such service; and upon whose approval said accounts were paid.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 26, 1867.

NUMBER LXX.

HOUSE RESOLUTION Instructing Committee on the Penitentiary to investigate and report the affairs of that institution.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the standing Committee the on Penitentiary be instructed to make

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immediate investigation of the affairs of that institution, so as to ascertain whether any of the officers of said institution have been in any way connected as partners with any contracts for furnishing supplies to said prison; or have, in any way, either in the letter or spirit of the law, violated any of the provisions of section 10 of "An Act to lease out the Penitentiary, and for other purposes;" and to report the result of said investigation to this House as early as practicable.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted November 26, 1867.

NUMBER LXXI.

SENATE JOINT RESOLUTION Constituting the Committee on Public Grounds a Joint Committee.

Resolved by the Senate, (the House concurring,) That the Committee on Public Grounds and Buildings, on the part of the two Houses, be constituted a Joint Committee, and that they take into consideration the condition of the public grounds and buildings, and report to this body as soon as practicable.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Adopted November 29, 1867.

NUMBER LXXII.

SENATE JOINT RESOLUTION Calling for Report from Paymaster-General of Tennessee State Guards.

Resolved, That the Paymaster of the Tennessee State Guards, be, and he is hereby, requested to report, at the earliest practicable time, to this General

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Assembly, the amount of moneys received and disbursed by him, specifying the date and amount of each receipt and disbursement, to whom and for what paid, together with all other questions of public interest in any way identified with the duties of his office.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 29, 1867.

NUMBER LXXIII.

SENATE JOINT RESOLUTION Calling for Report from the Quartermaster-General of Tennessee State Guards.

Resolved, That H. H. Thomas, Quartermaster-General for the State, be, and he is hereby, requested to report to this General Assembly a detailed statement of moneys received and expended by him, or his authority, for Quartermaster, Commissary or Ordnance stores, from whom, when and where, and at what price they were bought; the character, cost and disposition of each article, whether paid or unpaid for; the charges of each railroad for transportation, specifying the articles shipped, showing the place of their receipt and destination, and all incident expenses, whether he bought, received, shipped and distributed all of said stores in person, or by agent; if by agent, who? and whether they were purchased at the lowest market price; also, whether any officer or member of the Tennessee State Guards is in arrears, on any account, in that branch of duties performed by him.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 29, 1867.

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NUMBER LXXIV.

HOUSE JOINT RESOLUTION Instructing Senators and requesting Representatives in Congress, to use their influence to obtain Pensions for the Soldiers of the War of 1812.

WHEREAS, The Congress of the United States has never passed any law giving to the old soldiers of the War of 1812, any pensions; *and whereas*, said soldiers are but few in number, and very old and feeble; *and whereas*, the late Rebellion has brought many of them to poverty and want; *and whereas*, said old soldiers are wholly unable to make a support by physical labor; Now, therefore,

Be it resolved by the General Assembly of the State of Tennessee, That our Senators in Congress are hereby instructed, and our Representatives requested, to use their influence to procure for said old soldiers of the War of 1812, or their widows, a pension for life; *Provided*, they make satisfactory proof of loyalty to the United States Government during the late Rebellion.

Be it further resolved, That the Governor of the State of Tennessee, is hereby requested to immediately transmit to each of our Senators and Representatives in Congress, a copy of this Preamble and Resolutions.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted November 29, 1867.

NUMBER LXXV.

HOUSE RESOLUTION Instructing our Senators and requesting our Representatives in Congress, to use their influence for the reduction of the taxes on liquors.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That our Senators in Congress are hereby instructed, and our Congressmen requested, to use their influence in the

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Congress of the United States for the reduction of taxes on liquors; and that the Governor transmit a copy of this Resolution to each, at as early a day as practicable.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted December 2, 1867.

NUMBER LXXVI.

SENATE JOINT RESOLUTION Requiring State Claim Agent at Washington City to wind up business, etc.

WHEREAS, An Act was passed by the General Assembly of the State of Tennessee, on the 5th day of June, 1865, entitled "An Act to establish a Claim Agency in the City of Washington;" *and whereas,* said Act expired by limitation on the 1st day of October, 1867, leaving some claims unsettled in the office of said Agent; *and whereas,* in the opinion of this General Assembly, it is expedient to revive said agency; Therefore,

Resolved by the General Assembly, That the former State Agent is hereby empowered and required, to wind up said agency as soon as practicable, and he is authorized to charge the claimants a reasonable compensation for his services; *Provided,* that nothing in this Act shall be so construed as to authorize said Agent to claim any compensation from the State of Tennessee, nor shall he charge any compensation from soldiers or their representatives, for any services heretofore rendered, or hereafter to be rendered, where such claims were sent to said Agent by said soldiers, or their heirs, in person; but he may claim a division of fees with Claim Agents; *and provided, further,* that whenever said State Agent shall be satisfied or informed that any private Claim Agent is acting in bad faith towards any soldier, or their heirs, said State Agent is hereby authorized to send such claims directly to the soldiers themselves.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted December 2, 1867.

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NUMBER LXXVII.

SENATE JOINT RESOLUTION Appointing a State Librarian, *pro tem.*

WHEREAS, The members of this General Assembly have received a notice of the illness of the State Librarian, and that he will not be able to discharge his duties in the Library for several days; Therefore,

Resolved by the General Assembly of the State of Tennessee, That J. M. Alexander be appointed Librarian, *pro tem*, until the present Librarian shall recover and return to his duties in the Library; *Provided*, the said Alexander shall be paid out of the appropriation provided for the payment to the Librarian.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted December 4, 1867.

NUMBER LXXVIII.

HOUSE JOINT RESOLUTION Requesting of the Government of the United States, payment of the expenses incurred by the State, in calling out the Militia in 1867.

WHEREAS, The Constitution of the United States of America, guarantees to each State a republican form of government, and to each of them protection against invasion, and against domestic violence; *and whereas*, the Executive of the State of Tennessee called on the Executive of the United States for troops with which to keep down insurrection; and the Executive of the United States refused to comply with said request; therefore, not giving us the protection guaranteed by the United States Constitution; *and whereas*, the State of Tennessee was compelled to organize a military force for her protection—which protection was justly due from the Government of the United States—and by organizing

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and maintaining said force, the State of Tennessee has contracted a heavy debt: Therefore,

Be it Resolved by the General Assembly of the State of Tennessee, That the Union people of the State of Tennessee do expect and demand protection from the Government of the United States; not protecting us by soldiery, we do request that they should protect us by paying the expenses created by the calling into service, the State Guard of Tennessee, in 1867.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted December 5, 1867.

NUMBER LXXIX.

HOUSE JOINT RESOLUTION Authorizing Comptroller to issue Warrant to Capt. Wm Heydt, for ninety-five dollars and fifty cents, to defray expenses of certain Committees.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury issue his warrant to Capt. Wm. Heydt, for ninety-five dollars and fifty cents, to pay the expenses of the visits of the Congressional Committee and the Committee on Public Grounds and Buildings to the Hermitage.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted December 6, 1867.

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NUMBER LXXX.

SENATE JOINT RESOLUTION Relieving Joint Committee on Penitentiary.

Resolved by the Senate, (the House concurring,) That the Joint Committee on the Penitentiary be released from the further consideration of Executive Message No. 5, which was referred to said Committee by Senate Joint Resolution No. 26.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted December 9, 1867.

NUMBER LXXXI.

SENATE JOINT RESOLUTION to Adjourn the General Assembly.

Resolved by the Senate, (the House of Representatives concurring,) That this General Assembly adjourn on the 18th instant, to meet on the second Monday of January, 1868.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted December 9, 1867.

NUMBER LXXXII.

HOUSE JOINT RESOLUTION Authorizing the Comptroller to Audit the Accounts of Speakers, Members, and Officers, on a specie basis.

WHEREAS, The compensation of the members of the General Assembly of the State of Tennessee was pre-

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scribed in the Constitution, and by Statutes made in pursuance thereof, at the rate of six dollars *per diem* to Speakers, and four dollars *per diem* to Members, and mileage at the rate of four dollars for every twenty-five miles, to and from the Capitol, and certain fixed sums to its Clerks and other officers; *And, whereas*, said compensation was established on a specie basis, and was always paid in specie, or its equivalent, and was deemed reasonable compensation; *And, whereas*, during the Sessions of this General Assembly, whilst in session from the first Monday in October, 1867, to the close thereof, the same compensation on the same specie basis is not deemed an increased compensation, but is a constitutional one, and reasonable in itself, and ought to be paid, as heretofore; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the compensation of the Speakers, Members, Officers, and Porters, of the Senate and House of Representatives of this General Assembly, ought to be, and is, payable in specie, or its equivalent, from the commencement of its present Session to the close thereof; and that the Comptroller audit the accounts of the Speakers, Members and Officers, from the first Monday in October, 1867, to the close of this Session, on a specie basis, at one dollar and forty cents in currency to the dollar in specie—that being a fair equivalent; and issue warrants to each, on the State Treasury for the sum due him, payable in specie, or its equivalent; and that the same be so provided for in the General Appropriation Bill.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted December 9, 1867.

NUMBER LXXXIII.

HOUSE JOINT RESOLUTION Directing Comptroller to issue Warrant to the Press and Times Printing Company.

Resolved by the General Assembly of the State of Tennessee, That this General Assembly order the Comptroller to issue his warrant to the Press and Times Print-

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ing Company, for the sum of one hundred and sixty dollars, for eighty copies of the Acts of 1865 and 1866, furnished the State Library for the use of the members.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted December 11, 1867.

NUMBER LXXXIV.

HOUSE JOINT RESOLUTION Suspending Samuel E. Hare from office, as Director of the Penitentiary, during the Investigation of Charges preferred against him as Director.

WHEREAS, James S. Hull, Warden of the Penitentiary, was recently suspended from exercising the functions of that office, on account of a report that the Directors of the Penitentiary had lost confidence in the integrity of said Hull; *And, whereas*, certain grave charges have been preferred against Samuel E. Hare, one of the Directors of the Penitentiary—said charges having been regularly presented to the House of Representatives; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the said Samuel E. Hare, be, and he is hereby, suspended from office as one of the Directors of the Penitentiary, until the charges preferred against him shall have been investigated by the appropriate Committee, and a report thereof made to this General Assembly.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted December 11, 1867.

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NUMBER LXXXV.

HOUSE JOINT RESOLUTION Directing the Comptroller to issue his Warrant to Capt. Heydt, for Expenses incurred, under House Resolution No. 79.

WHEREAS, The House of Representatives of the General Assembly of the State of Tennessee did, upon the 8th of November, 1867, adopt House Resolution No. 79, appointing a committee of five members of the House of Representatives, to investigate the conduct of Hon. Thomas Barry, Judge of the Circuit Court of Sumner County, with power to send for persons and papers, and all other such evidence as they may deem necessary; *And, whereas*, Wm. Heydt, Sergeant-at-Arms of the House of Representatives, has, under said Resolution, procured the attendance of a number of witnesses in said case, and paid them out of his private means; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller is hereby directed to issue his warrant upon the Treasurer, in favor of the said Wm. Heydt, Sergeant-at-Arms, for the amount thus paid by him, provided he produce receipts for the amount expended; and

Be it further resolved, That the Comptroller issue his warrant for all further expenses incurred by Wm. Heydt, in said investigation, provided he produces receipts of the amount expended.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted December 11, 1867.

NUMBER LXXXVI.

SENATE JOINT RESOLUTION Accepting the Resignation of J. S. Hull, Warden of Tennessee Penitentiary.

Resolved by the General Assembly of the State of Tennessee, That the resignation of James S. Hull, Warden

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of the Tennessee Penitentiary, be, and the same is hereby, accepted.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted December 18, 1867.

NUMBER LXXXVII.

SENATE JOINT RESOLUTION Directing the Comptroller to pay Thos. B. McElwee for services as Warden, *pro tem.*, of Penitentiary.

WHEREAS, The Directors of the Tennessee Penitentiary have appointed Thos. B. McElwee, Warden, *pro tem.*, to take charge of and control the State Prison during the suspension and trial of Jas. S. Hull, Warden; Therefore,

Resolved by the General Assembly of the State of Tennessee, That the Comptroller, be, and he is hereby, directed to issue his Warrant upon the Treasurer to Thos. B. McElwee, for the amount due Thos. B. McElwee as Warden, *pro tem.*, at the same rate, for the time he has been Warden, *pro tem.*, as is now paid to the Warden, and that the same be placed in the General Appropriation Bill.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted December 13, 1867.

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NUMBER LXXXVIII.

HOUSE JOINT RESOLUTION Authorizing Superintendent of Capitol and Capitol Grounds to make certain repairs.

Resolved by the General Assembly of the State of Tennessee, That the Superintendent of the Capitol and Capitol Grounds, is hereby instructed to make the following repairs of the Capitol, to-wit:

1st, The lightning rod on the dome of the Capitol.

2d, The broken piece of iron railing in the steps of the dome.

3d, The portions of the roof which leak.

4th, Those of the gas pipes needing repairs or new burners.

5th, The windows needing repairs.

6th, The replacing and cementing of loose stones in the House of Representatives, and on the promenades.

7th, The cleaning of the chimneys.

8th, The supplying of a new drugget in the House of Representatives, and of oil cloth in the different offices and around the wash-stands; and a new marble table for the desk of the Clerk of the House of Representatives; and a new flag-staff for the dome of the building.

9th, To renovate and keep in good order the water-closet and privy.

Resolved further, That when the above repairs shall have been made, the Superintendent is instructed to present his bill of expenses for the same to this General Assembly, which, when properly audited, will be provided for in the General Appropriation Bill.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted December 13, 1867.

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NUMBER LXXXIX.

SENATE JOINT RESOLUTION Authorizing Comptroller and Treasurer to borrow money to pay interest on certain Bonds.

WHEREAS, It is feared that certain of the railroads of the State to which the State has loaned its Bonds, will fail to pay the interest on said Bonds when the same shall fall due; *and whereas*, the State is bound for the payment of said interest; *and whereas*, it is important and just that the State should promptly and faithfully meet all its obligations; Therefore,

Resolved by the General Assembly of the State of Tennessee, That the Comptroller and Treasurer of the State, be, and they are hereby, authorized to borrow in the name of the State of Tennessee, and on behalf of the same, such sum of money as shall be found necessary to discharge the liabilities of the State as aforesaid.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted December 14, 1867.

NUMBER XC.

HOUSE RESOLUTION Directing Door-keeper to have the papers subscribed for by the members, sent to their respective Post-Offices during the holidays.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Door-keeper furnish the publishers of the different papers subscribed for by the members, Clerks and officers of the House, and request them to forward the same to their address during the holidays.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted December 14, 1867.

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NUMBER XCI.

HOUSE RESOLUTION Directing Principal Clerk to copy Journals during holidays.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Principal Clerk of the House of Representatives is hereby authorized to copy the House Journal during the holidays, for which he shall receive thirty cents per page, as heretofore allowed; and that the Comptroller issue his Warrant, and the Treasurer pay the same, which shall be included in the General Appropriation Bill, at the close of this Session.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted December 17, 1867.

NUMBER XCII.

HOUSE RESOLUTION Tendering the use of Representatives' Hall to the Naturalized Citizens of Nashville, on Jan. 8, 1868.

Resolved by the House of Representatives, That the use of the Representative Hall be tendered to the Naturalized Citizens of Nashville, to hold a grand mass meeting, on the 8th of January, 1868, for the purpose of protesting against the treatment of American citizens in foreign countries.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted December 17, 1867.

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NUMBER XCIII.

HOUSE JOINT RESOLUTION Raising Joint Committee to examine certain effects of R. L. Stanford, deceased.

Resolved by the General Assembly of the State of Tennessee, That a Committee of three on the part of the House, and —— on the part of the Senate, be appointed to take into consideration the communication of the Superintendent of the Capitol of this date, January 14th, 1868, relating to certain effects in his possession, belonging to R. L. Stanford, deceased.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted January 15, 1868.

NUMBER XCIV.

HOUSE RESOLUTION Tendering use of Hall of Representatives to Convention to assemble on the 22nd of January, 1868.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Hall of this House be tendered for the use of the Convention to meet to-morrow, the 22d inst.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted January 21, 1868.

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NUMBER XCV.

HOUSE JOINT RESOLUTION Raising Joint Committee to investigate condition of School Fund and report.

WHEREAS, The Thirty-Fourth General Assembly of Tennessee, at its last session, passed a Common School Law, under which the people have elected a Superintendent for the State, and Directors for civil districts; and the State Superintendent has, by the authority vested in him by said law, appointed Superintendents for the several counties, who have, in discharge of their duties, enumerated the scholastic population of many counties, and are now ready to organize and commence their schools under said law, if they had the means to pay their teachers; *and, whereas*, the said law imposes a tax for the purpose of raising the means necessary to maintain free schools in the State, and the Comptroller's report shows there is now due said fund more than eight hundred thousand dollars; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That a Special Joint Committee of three on the part of the House, and —— on the part of the Senate, be appointed to investigate the condition of said shool fund, and ascertain if there is any money now in the Treasury, ready when called for, and what amount; and report to this General Assembly at the earliest day practicable.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted January 16, 1868.

NUMBER XCVI.

HOUSE JOINT RESOLUTION Recommending the preferment of Articles of Impeachment against President Johnson, by Congress.

WHEREAS, The President of the United States of America is sworn to see that the laws are faithfully

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executed—and after An Act of Congress becomes a law it should be faithfully executed; and whenever any officer, who is sworn to faithfully execute laws, uses his position and influence to obstruct, hinder and delay the execution thereof, he is, in fact and spirit, a violater of the law and his sworn duty; *and, whereas*, it is apparent to the world that Andrew Johnson, the President of the United States of America, has used his position and influence to obstruct, hinder and delay the execution of the Reconstruction Act of Congress; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That it is the opinion of the General Assembly of the State of Tennessee, that the House of Representatives of the Congress of the United States of America should present articles of impeachment against the aforesaid Andrew Johnson, acting President of the United States of America; and we hereby request our Representatives to vote for the impeachment articles against said Johnson.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted January 17, 1868.

NUMBER XCVII.

HOUSE JOINT RESOLUTION Raising Joint Committee to examine business in Adjutant-General's office.

WHEREAS, It has been reported to this General Assembly that there are quite a number of public documents addressed to different parties throughout the State, now in the Adjutant-General's office, as well as other business requiring immediate attention; *and, whereas*, under An Act passed December 13, 1867, the Adjutant-General is required to act as Private Secretary to His Excellency, the Governor; and under the pressure of business required by late Acts of the General Assembly, has not been able to attend to the business referred to; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That a Committee of three on the part of the

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House, and —— on the part of the Senate, be appointed to visit the Adjutant-General's office, and examine into accumulated business, and advise some means by which it can be at once attended to.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted January 17, 1868.

NUMBER XCVIII.

HOUSE JOINT RESOLUTION Expressive of the views of the General Assembly in regard to Free Schools.

Be it resolved by the General Assembly of the State of Tennessee, That it is not the purpose of this Legislature to retard, in any way, the organization of free schools in the State; but that they will take such measures as will secure to each child the full benefit of all moneys appropriated or collected for purposes of free education; and the benefit of all provisions of law already enacted and now in force.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted January 17, 1868.

NUMBER XCIX.

HOUSE RESOLUTION Relative to the meeting of Committees, etc.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the various Committees of this House meet hereafter, to take action on the measures before them, at night, instead of in the

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day time; regularly convening at seven-and-a-half o'clock, P. M.; except that on Thursday night of each week, there shall be a meeting of this Body, to convene at seven-and-a-half o'clock, P. M.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted January 17, 1868.

NUMBER C.

HOUSE RESOLUTION Directing Committee on Agriculture to report upon condition of the Agricultural Bureau, etc.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Committee on Agriculture be instructed to report upon the condition of the Agricultural Bureau, and the Fair Grounds of the State, and report upon the practicability of the re-organization of that Bureau at an early day.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted January 17, 1868.

NUMBER CI.

HOUSE RESOLUTION Directing Comptroller to report to the House of Representatives, delinquent Tax Collectors and Revenue Officers.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Comptroller report to the House a specific statement of the names of delinquent Collectors of Taxes and Revenue Collectors; setting forth the amount of each delinquency, for the years 1866 and 1867.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted January 23, 1868.

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NUMBER CII.

HOUSE JOINT RESOLUTION Constituting a Joint Committee of the Military Committees of the House and Senate, respectively.

Resolved by the General Assembly of the State of Tennessee, That the Military Committee on the part of the House, and on the part of the Senate, be constituted a Joint Committee, for the purpose of taking into consideration so much of the Governor's Message, as refers to the Military affairs of the State; and the said Joint Committee shall be authorized to send for persons and papers, and report as speedily as practicable.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted January 20, 1868.

NUMBER CIII.

SENATE JOINT RESOLUTION Directing Comptroller to issue his Warrant to J. W. Tarkington, etc.

WHEREAS, J. W. Tarkington, Sheriff of the County of Dyer, did, on the 6th day of January, 1868, arrest one William Duncan, who was charged with murder, for whose arrest the Governor of this State had offered a reward; *and whereas*, in making said arrest, said Tarkington's son was killed, and said Duncan supposed to be mortally wounded; *and whereas*, it was impossible for said Tarkington to convey said Duncan to the Sheriff of Hardin County; *and whereas*, said Tarkington placed a strong guard over the said Duncan; *and whereas*, an armed force of some eighteen or twenty desperadoes attacked and took said Duncan out of the possession of said guard, by force of arms; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller is hereby authorized and directed, to issue his warrant on the Treasurer, to J. W. Tarkington, for the sum of three hundred and

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thirty-three dollars and thirty-three cents, the amount of the reward offered by the Governor, for the arrest of the said William Duncan; and that the same be included in the General Appropriation Bill.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER.
Speaker of the Senate.

Adopted January 24, 1868.

NUMBER CIV.

SENATE JOINT RESOLUTION Congratulatory of the Reinstatement of Hon. E. M. Stanton to the office of Secretary of War.

Resolved by the General Assembly of the State of Tennessee, That we congratulate the country with feelings of mingled pleasure and delight, at the intelligence of the prompt reinstatement of the Hon. E. M. Stanton to the office of Secretary of War, from which he had been rudely thrust, for his patriotism and unswerving fidelity to the interests of his country, which entitles him to the lasting gratitude of every loyal heart; and that it is earnestly recommended that he continue the discharge of the duties of his office, for the welfare of the whole country.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted January 29, 1868.

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NUMBER CV.

HOUSE JOINT RESOLUTION Directing Comptroller to issue his Warrant to Capt. Heydt for Repairs on Capitol.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury issue his warrant to William Heydt, Superintendent of the Capitol, for the sum of seventeen hundred and sixty-nine dollars and sixty-one cents, to pay for repairs on the Capitol Building, and furnishing various rooms of the same with carpets, druggets, and other necessary articles, in accordance with the herewith accompanying report, marked "B," and its duplicate, consisting of a bunch of bills marked "C."

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted January 31, 1868.

NUMBER CVI.

SENATE JOINT RESOLUTION Raising Committee to investigate and report on the propriety of printing Report of Dr. J. M. Safford, State Geologist.

Resolved, That a Special Committee of two, on the part of the Senate, and three on the part of the House, are, hereby, constituted, for the purpose of investigating and reporting the propriety of having the first report of Dr. J. M. Safford, Geologist, printed, and report the result of their investigation as soon as practicable, by Bill or otherwise.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted February 1, 1868.

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NUMBER CVII.

HOUSE JOINT RESOLUTION Requesting Adjutant-General of the State to issue arms to Sheriff Tarkington, of Dyer County.

Resolved by the General Assembly of the State of Tennessee, That the Adjutant-General be, and he is hereby, respectfully requested to issue arms, equipments and amunition to Capt. Tarkington, Sheriff of Dyer County, who shall receipt him for the same, and return the same in good order, when requested, or the State needs them. Said Sheriff Tarkington is hereby required to give bond for the safe keeping and return of said arms.

Resolved, further, That the said Adjutant-General furnish the said Sheriff Tarkington transportation for his company to Bell Station, on the Memphis & Ohio Railroad.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted February 4, 1868.

NUMBER CVIII.

HOUSE JOINT RESOLUTION Authorizing the Speaker to appoint a Second Assistant Clerk of the House.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Speaker be, and he is hereby, authorized to appoint a Second Assistant Clerk, who shall hold his office until the recovery of the Principal Clerk, or who may be removed at the pleasure of the Speaker.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted February 12, 1868.

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NUMBER CIX.

HOUSE JOINT RESOLUTION Directing certain moneys to be refunded to Captain Heydt.

WHEREAS, Since the disbanding of the Governor's Staff, there has been a considerable amount of State property shipped to the depot at this place in the address of the late Q. M. General, who, being deprived of his position by the action of this General Assembly, did not, therefore, feel himself responsible for said property; *and whereas*, Capt. Wm. Heydt, Sergeant-at-Arms, has taken upon himself the trouble and responsibility of removing said property from said depot, to its proper place, and at the same time, paying out of his own private funds, the expense of shipping said property from different parts of the State to this place; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller is hereby directed to issue to Capt. Wm. Heydt, his warrant upon the Treasurer of the State, for the amount of money paid by said Heydt, as shown by the proper receipts in his possession; *Provided*, the aggregate amount of said warrant shall not exceed forty-eight dollars, and that said amount, so paid, shall be included in the General Appropriation Bill of this session.

Be it further resolved, That the thanks of this body are due Capt. Heydt for his fidelity in looking after the interests of this State.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted February 13, 1868.

NUMBER CX.

HOUSE JOINT RESOLUTION Authorizing Comptroller to issue his Warrant for amount for the Registration of Monroe County.

WHEREAS, The original registration of the voters of the County of Monroe, under the last Franchise Law,

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was set aside and rendered void by proclamation of the Governor, and the Commissioner of Registration under whom such illegal registration was made, removed, and Daniel R. Kennedy appointed to register said county; *and whereas*, the said Daniel R. Kennedy has performed the duty assigned him, and rendered the proper returns to the Secretary of State; *and whereas*, the Comptroller of the State is not entirely satisfied that he is authorized by law to pay more than for the registration of each county; Therefore,

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the State be directed to issue his Warrant on the Treasurer for the sum of one hundred dollars, in favor of Daniel R. Kennedy, for services in registering said county.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted February 13, 1868.

NUMBER CXI.

SENATE JOINT RESOLUTION To meet in Convention to elect a Register and Entry-Taker for the Hiwassee District.

Resolved by the General Assembly of the State of Tennessee, That the two Houses meet in Convention, in the Hall of the House of Representatives, on Friday next, 14th inst., at 12 o'clock, M., for the purpose of electing a Register and Entry-Taker for the Hiwassee District.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted February 13, 1868.

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NUMBER CXII.

SENATE JOINT RESOLUTION Directing the Clerk to furnish the House of Representatives with a copy of Senate Bill No. 97.

WHEREAS, Senate Bill No. 97, introduced and passed in the Senate, and ordered transmitted to the House, has, by some accident, been lost; Therefore,

Be it resolved by the Senate, (the House concurring,) That the Clerk of the Senate be ordered to furnish the House of Representatives with a copy of said Senate Bill No. 97.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted February 13, 1868.

NUMBER CXIII.

HOUSE JOINT RESOLUTION Instructing the Joint Select Committee of this General Assembly on Railroad Accounts, to investigate the charges against the late Receiver of the Memphis, Clarksville & Louisville Railroad.

WHEREAS, Charges of a grave and serious nature have been made against the late Receiver of the Memphis, Clarksville & Louisville Railroad; *and whereas,* it is desirable and necessary that the truth or falsehood of the said charges should be known; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That a Joint Select Committee of this General Assembly on Railroad Accounts, be, and they are hereby, instructed to investigate the said charges against the said Receiver; and that the said Committee be authorized to send for persons and papers, and report to this house the result of their investigations as soon as practicable; also, that the committee investigate into any charges against any Receiver of Railroads

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in this State; and investigate into the management and economy of the Receiver of the McMinnville & Manchester Railroad.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted February 13, 1868.

NUMBER CXIV.

SENATE JOINT RESOLUTION Instructing Joint Committee on Railroad Accounts to investigate certain matters, and report to the General Assembly.

Resolved by the General Assembly of the State of Tennessee, That the Joint Committee of the two Houses of the General Assembly on Railroad Accounts, be instructed to inquire into and ascertain what railroads in the State of Tennessee have been placed in the hands of Receivers, and when they were so respectively placed; the names of the Receivers, in each case, including those who have been removed; the amount of Bonds given by said Receivers, together with the sufficiency of the security on such Bonds; the amount of salary paid such Receiver, and other officers employed by the Receivers; and further, to inquire into the general management of the railroads in the hands of Receivers; that said committee have full power to send for persons and papers, and that they report to this General Assembly.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted February 14, 1868.

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NUMBER CXV.

SENATE JOINT RESOLUTION Raising a Committee to supervise the removal of Powder stored in the basement of the Capitol.

Be it resolved by the General Assembly o the State of Tennessee, That a committee of two be appointed on the part of the Senate, and three on the part of the House, to supervise the removal of a large quantity of powder from the basement of the State Capitol, and deposit the same in some more appropriate place for security.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted February 14, 1868.

NUMBER CXVI.

HOUSE JOINT RESOLUTION Directing Comptroller to issue warrant to Rev. H. Bokum.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the State be, and he is hereby, directed to issue his warrant to Rev. Herman Bokum for five hundred dollars, as an advance payment on the State's subscription for his Hand Book of Immigration.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted February 14, 1868.

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NUMBER CXVII.

HOUSE JOINT RESOLUTION Tendering use of Hall and Senate Chamber to the National Teacher's Association for its next annual meeting.

Be it resolved by the General Assembly of the State of Tennessee, That, as the President of the National Teacher's Association has expressed, to the State Superintendent of Public Instruction, the preference of that Association to hold its next annual meeting in Nashville, the State Superintendent of Public Instruction be directed to extend to said Association the cordial invitation of the General Assembly to hold its next meeting here, and to offer for its free use, the Hall of the House of Representatives, the Senate Chamber and other conveniences of the Capitol, which may be required for the meetings of the Association, and of the educational organizations connected therewith.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted February 15, 1868.

NUMBER CVIII.

SENATE JOINT RESOLUTION Directory to the Committee on the Penitentiary.

Resolved by the Senate (the House concurring,) That the Committee on the Penitentiary be instructed to inquire and ascertain what sum or sums of money the lessees of the Penitentiary have paid over to the Directors from convict labor since the first of June last; that they have power to send for persons and papers, and that they report the result of their investigation to this session of the General Assembly.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted February 19, 1868.

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NUMBER CXIX.

SENATE JOINT RESOLUTION Requesting our Senators and Representatives in Congress to endeavor to have a Mail Route established on Tennessee River.

Resolved by the General Assembly of the State of Tennessee, That our Senators and Representatives in Congress, are hereby respectfully requested to use their influence for the establishment of a semi-weekly mail route from Knoxville *via* the Tennessee River, to Chattanooga.

Resolved, further, That the Secretary of State be, and he is hereby, requested to forward a copy of this Resolution to our Senators and Representatives in Congress, and a copy to the Hon. A. W. Randall, Post Master General of the United States.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted February 18, 1868.

NUMBER CXX.

HOUSE JOINT RESOLUTION Appointing time for the meeting of the Senate and House of Representatives in Convention to elect a General Claim Commissioner for the State.

Resolved by the General Assembly of the State of Tennessee, That the Senate meet the House in Joint Convention in the Hall of the House of Representatives on the 26th inst., at 11 o'clock, A. M., for the purpose of electing a General Claim Commissioner for the State, under the provisions of the Indemnity Act.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted February 25, 1868.

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NUMBER CXXI.

HOUSE JOINT RESOLUTION Calling upon the Adjutant-General of the State, to report the number of Companies called into State service under the Act of Febuary 20, 1867, etc.

Resolved by the General Assembly of the State of Tennessee, That the Adjutant General of the State, be, and he is hereby, requested to report to this General Assembly at his earliest convenience, the number of companies that were called into the military service of the State by An Act passed the 20th of February, 1867; also, the time each company was mustered into service, number of men in each company, and rank of each officer; character of service performed; when and where disbanded, or mustered out; also, the name, rank and pay of each line or staff officer identified with said service; the name and rank of each officer detailed, as well as the duty performed; also, the names of all officers that have resigned.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Adopted February 29, 1868.

NUMBER CXXII.

HOUSE JOINT RESOLUTION Requesting our Representatives in Congress to use their personal influence with the authorities at Washington, to secure speedy payment of additional bounty to Tennessee Soldiers and their heirs.

WHEREAS, An Act of Congress was passed on the 28th day of July, 1866, giving one hundred dollars additional bounty to certain soldiers, or to the heirs of said soldiers; *and whereas*, by an official statement from the Paymaster-General's office, made in December, 1867, it appears that the proportion of those claims that were paid, to those that were not paid, up to that time, was as 35 to 45; *and whereas*, it is a notorious fact, that, of the claims of Tennessee discharged soldiers for said additional bounty, the number that is paid in proportion

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to the number that is not, is about as 1 to 10; *and whereas*, this manifest injustice to our brave Tennessee boys, who, above all others demand, the attention of our Government, ought to be investigated; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That we do most earnestly, but respectfully, urge our Representatives in Congress, to use their personal influence with the Second Auditor of the Treasury, and Paymaster-General, in order that a speedy payment of the additional bounty claims of our Tennessee soldiers, and their heirs, may be reached, and that justice may be done in the premises.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Adopted February 29, 1868.

NUMBER CXXIII.

HOUSE JOINT RESOLUTION Lamenting the death of Col. Edward Maynard.

WHEREAS, The painful intelligence is brought to the knowledge of this General Assembly, of the death, at Turk's Island, on the 10th of January, after a short and severe illness, of Col. Edward Maynard, son of the Hon. Horace Maynard; *and whereas*, he was a soldier and officer in the volunteer service of the United States, having been Lieutenant-Colonel of the 6th Infantry, Tennessee Volunteers, in our terrible contest to suppress the rebellion against free government; *and whereas*, he was a Consul of the United States, and, therefore, a functionary of this nation; *and whereas*, it is right and proper to acknowledge the providence of God in this and all his dispensations; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Members of both Houses wear the usual badge of mourning for thirty days, and that the Sergeant-at-Arms be instructed to lower the flag at half-mast, for eight days, in honor of the distinguished de-

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ceased; and that a copy of these proceedings be transmitted to the family of the deceased.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted February 29, 1868.

NUMBER CXXIV.

HOUSE RESOLUTION Amending House Rule No. 55.

Be it resolved by the House of Representatives of the General Assembly of the State of Tennessee, That Rule No. 55 be so amended as to read "five minutes," instead of "thirty minutes," and "five minutes," instead of "twenty minutes."

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted March 5, 1868.

NUMBER CXXV.

SENATE JOINT RESOLUTION Fixing the time of Adjournment.

Resolved by the General Assembly of the State of Tennessee, That this General Assembly adjourn on Monday the 16th day of March, 1868, to meet again, on Monday, the 9th day of November, 1868.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted March 6th, 1868.

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NUMBER CXXVI.

HOUSE JOINT RESOLUTION Instructing our Senators, and requesting our Representatives in Congress, to urge the passage of a special Bill for the benefit of Geo. Edgar Grisham.

WHEREAS, Capt. Geo. Edgar Grisham, the present faithful and efficient Clerk of the House of Representatives, having enlisted a company of men for the United States volunteer service, and commanded said company as Captain, from the 5th day of September, 1863, to the 21st day of April, 1864, without having received any pay for said services, on account of the regiment to which his company was attached being consolidated with another and older regiment, which was already officered, and known as the 8th Tennessee Cavalry, U. S. A., thus preventing him from being regularly mustered; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed, and our Representatives be requested, to use their influence in urging upon Congress to pass a special Act remunerating Capt. Geo. Edgar Grisham, for his services as Captain from the 5th day of September, 1863, to the 21st day of April, 1864.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted March 7, 1868.

NUMBER CXXVII.

SENATE JOINT RESOLUTION In relation to the navigation of the Tennessee River.

WHEREAS, By An Act of Congress approved March 2, 1867, the Secretary of War was directed to cause examinations and surveys of various harbors and rivers in the United States, with a view to their improve-

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ment, which, among others specified, was the survey of Tennessee River from Chattanooga to its mouth; *and whereas*, by the efficiency of Col. W. B. Gan, Chief Assistant Engineer, in his recent survey under said authority, it has been demonstrated and fully ascertained, that the removal of the obstructions to navigation is both reasonable and practicable, and by which the valley of the Tennessee will be placed in communication with the Ohio, Mississippi, and all the great rivers of the West, and bring into requisition the inexhaustible treasures of coal, iron, copper, zinc, lead, marble, lumber, &c., especially peculiar to the eastern slope of the State, as well as an agricultural interest that only waits proper development to make it equal to any in the United States; *and whereas*, the superior commercial advantages, together with national wisdom and economy, in our opinion, will fully justify a reasonable expenditure to open said river, and thereby give encouragement and cause great prosperity to an industrious and enterprising people; *and whereas*, a Convention has been called to meet at Chattanooga, on Wednesday, the 18th inst., to unite the wisdom and energies of the friends and advocates of this great measure in the accomplishment of the work already begun; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That we heartily appreciate and approve of the efforts of our citizens, and are interested to open and make navigable the Tennessee River; and for that purpose, we respectfully request our Senators and Representatives in Congress to give the subject such special consideration as will, if possible, secure an appropriation equal to the requirements, and power and authority to carry it out.

Resolved, further, That upon the adoption of these resolutions the Secretary of State is hereby directed to forward a copy of the same to each one of our Senators and Representatives in Congress.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Adopted March 7, 1868.

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NUMBER CXXVIII.

HOUSE JOINT RESOLUTION Requesting the Governor to issue writs for the election of a Congressman at large.

WHEREAS, The State of California, by an alleged excess of population, supported by the action of her citizens and the certificate of the Governor thereof, in the election and commissioning of three Representatives to the Congress of the United States, instead of two, to which they were entitled by the census of 1860, was, by Act of Congress, passed June 2, 1862, allowed said additional member in the 37th Congress; and,

WHEREAS, By An Act of Congress, passed March 4, 1862, the number of members of the House of Representatives of the Congress of the United States, from and after the 3d of March, 1862, was to be two hundred and forty-one; the eight additional members being assigned one each to Pennsylvania, Ohio, Kentucky, Illinois, Iowa, Minnesota, Vermont, and Rhode Island; and,

WHEREAS, In the apportionment which gave Tennessee eight members in the House of Representatives of the Congress of the United States, there was a fraction over, equal to about one-half of the population requisite for another member; and,

WHEREAS, Tennessee has, since said apportionment was made, enfranchised forty thousand freedmen and made them free men and voters, thereby entitling her to one additional Representative in the House of Representatives of the Congress of the United States; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Governor be requested to issue a writ of election to the State at large, for the purpose of electing one additional member to the Congress of the United States, as above and before referred to in preamble, to which the State of Tennessee is entitled, after first giving thirty days' notice of the holding of said election.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Adopted March 12, 1868.

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NUMBER CXXIX.

HOUSE RESOLUTION Tendering the thanks of the House to Speaker Richards, and other officers.

Resolved by the House of Representatives, That we tender to the Hon. F. S. Richards, Speaker of the House, as well as to the officers thereof, our sincere and heartfelt thanks for their uniform courtesy, ability and energy, displayed in the discharge of their onerous official duties as officers of the House of Representatives of the State of Tennessee.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted March 13, 1868.

NUMBER CXXX.

SENATE JOINT RESOLUTION Authorizing Prof. J. M. Safford to proceed to make out his final Geological report.

Resolved by the General Assembly of the State of Tennessee, That Dr. J. M. Safford, late State Geologisit, is hereby authorized to proceed, forthwith, under Resolution No. 19, adopted by the Legislature, on the 7th day of February, 1860, to make out his final report as late Geologist, and present it to the State Printer, to be printed, a copy of which deposited with the State Librarian, and a receipt from the Librarian for the same, shall entitle the said J. M. Safford to the warrant of the Comptroller of the State on the Treasurer, for fifteen hundred dollars; and, when said report is printed and bound, it shall be disposed of and distributed according to the requirements of said Resolution No. 19.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Adopted March 14, 1868.

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NUMBER CXXXI.

HOUSE JOINT RESOLUTION Authorizing Comptroller to issue Warrant to Hon. James Sparkman.

WHEREAS, The General Appropriation Bill allows but one hundred and forty-six days for the member from Van Buren, Grundy and Coffee, when said member served one hundred and sixty-two days; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller is hereby authorized to issue his warrant to James Sparkman, Representative from the counties of Van Buren, Grundy and Coffee, for the *per diem* due him for sixteen days not accounted for in the Appropriation Bill.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted March 14, 1868.

NUMBER CXXXII.

SENATE JOINT RESOLUTION Directory to Capt. Heydt, Superintendent of Capitol.

Be it resolved by the General Assembly of the State of Tennessee, That William Heydt, the present Superintendent of the State Capitol, be required, at the earliest practicable period, to overhaul and thoroughly cleanse the cistern belonging to the Capitol building; and that the Comptroller issue his warrant to Capt. William Heydt for the sum necessary to pay for such overhauling and cleansing; and that the Treasurer pay the same, and that the amount be included in the General Appropriation Bill.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted March 16, 1868.

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NUMBER CXXXIII.

SENATE JOINT RESOLUTION Raising Committee to take into consideration Governor's Message in relation to Governor's Mansion.

Resolved by the General Assembly of the State of Tennessee, That a committee of —— on the part of the Senate, and three on the part of the House, be appointed to take into consideration that part of the Governor's Message relating to a Governor's Mansion, and report by Bill or otherwise.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted October 31, 1867.

NUMBER CXXXIV.

HOUSE JOINT RESOLUTION Raising Joint Committee to welcome Congressional Committee, etc.

Resolved by the General Assembly of the State of Tennessee, That a committee of eight be appointed—five on the part of the House and three on the part of the Senate—to tender a welcome of this Legislature to a Congressional Committee, now present in this city; to invite them to the Capitol, and offer them apartments for the transaction of any business connected with their mission.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted October 30, 1867.

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NUMBER CXXXV.

HOUSE RESOLUTION Directing Comptroller to report what Railroads have paid tax assessed by law upon passengers conveye by them, also those that have not paid.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Comptroller report to this House specially what railroads have paid the tax assessed on each passenger conveyed by said roads in pursuance of An Act of the Legislature passed March, 1867, and what roads have not paid, and the reason for their failure.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted January 17, 1868.

NUMBER CXXXVI.

HOUSE RESOLUTION Directing Comptroller to report railroads that have, and also, those that have not, paid interest due the State, January 1, 1868.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Comptroller at once report to this House, specifically, what railroads have paid, and what railroads have not paid, their interest on the State bonds loaned to them, matured on the first day of January, 1868.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted January 17th, 1868.

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NUMBER CXXXVII.

SENATE JOINT RESOLUTION Raising a Committee to examine into the condition of the accounts, etc., and settle with the Quartermaster General and Paymaster.

WHEREAS, The Quartermaster-General and Paymaster of the State have been requested, by Resolution, to make a detailed report of the condition of their offices to the General Assembly, which they have so far failed to do; *and whereas*, said offices have since been abolished and vacated; Therefore,

Be it resolved, That a committee of two upon the part of the Senate, and three upon the part of the House, be appointed to examine into the condition of the accounts, books, papers, vouchers, etc., of said offices, and settle with said retired officers; also, to ascertain the amount of means, or property, belonging to the State, if any are still in their hands, or subject to their control; and all things pertaining to the interest of the State, and report the result of their action.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Adopted January 20, 1868.

NUMBER CXXXVIII.

SENATE JOINT RESOLUTION Allowing David Beaty, his mileage and *per diem*.

WHEREAS, David Beaty was announced, from official sources, to have been elected Senator from the —— Senatorial District of Tennessee, composed of the Counties of Scott, Morgan, Fentress, Cumberland, and Overton; *and*, *whereas*, said David Beaty, fully believing he was duly elected, as aforesaid, having the Certificate of Election, signed by the proper officers, showing that he had actually received a majority, or the largest vote polled for any candidate in the said Senatorial District,

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repaired to Nashville, for the purpose of taking his seat in the Senate of the State; *and, whereas*, the militia vote of the said Senatorial District polled outside of the said District, in the militia encampment and organization of the State, changed the result, as previously announced through official channels, and elected G. W. Keith, by a majority of fourteen votes; Therefore,

Be it resolved, That the said David Beaty be allowed his *per diem* and mileage, to the 12th day of October, 1867.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted January 24, 1868.

NUMBER CXXXIX.

HOUSE RESOLUTION Inquiring into the Adjutant and Quartermaster-General's Offices.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Comptroller make out in writing, and furnish this House with a complete account, showing, in detail, itemizing and specifying the amount of money drawn from the Treasury, for the use of the Adjutant-General's office, from the beginning of the 34th General Assembly, down to the present time.

Resolved, further, That the Standing Committee on Military Affairs, be, and is hereby, instructed to investigate the past and present workings of the Quartermaster-General's office. For which purpose, the Committee is hereby vested with power to send for persons and papers. Said Committee to report the investigation to this House as soon as practicable.

F. S. RICHARDS,
Speaker of the House of Representatives.

Adopted October 29 1867.

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NUMBER CXL.

SENATE JOINT RESOLUTION Directing Comptroller to issue his Warrant to John Watkins, and others.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be, and he is hereby, directed to issue his warrant to John Watkins and others, for two hundred and fifty dollars, for the apprehension of John Wells, charged with the murder of Thomas W. Denny, upon the 22d of January, 1867, while acting as an officer in the arrest of the brother of said Wells, for which the Governor offered a reward of five hundred dollars for the apprehension and delivery of said Wells' brother, upon the 30th of January, 1867.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted March 16, 1868.

NUMBER CXLI.

HOUSE JOINT RESOLUTION Directing Comptroller to issue his Warrant to Rev. J. Huntington, for services rendered as Chaplain.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller be, and he is hereby, authorized to issue his warrant to Rev. J. Huntington, for the sum of two hundred and fifty dollars; and the Treasurer is also hereby authorized to pay said warrant, for services rendered as Chaplain of said General Assembly; and that the same be included in the next General Appropriation Bill.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Adopted March 16, 1868.

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NUMBER CXLII.

SENATE RESOLUTION Tendering thanks to the Hon. D. W. C. Senter, Speaker of the Senate.

Resolved by the General Assembly of the State of Tennessee, That in closing a long and arduous session of this body, calling for the exercise of a patient and intelligent administration of the duties of the Speaker, we hereby tender to the Hon. D. W. C. Senter, Speaker of this body, our thanks for the patient, impartial and intelligent discharge of the duties of his position; impressed, as the Senate is, with his moral integrity and unflincing loyalty and devotion to the Government of the United States, and the State of Tennessee.

D. W. C. SENTER,
Speaker of the Senate.

Adopted March 16, 1868.

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The following Act was not deposited in my office till after the Public Laws were printed, and consequently could not appear in its proper place.

A. J. FLETCHER,
Secretary of State.

[PUBLIC ACT.]

CHAPTER XC.

AN ACT to Create a New Chancery Division, and a New Judicial Circuit, in the State of Tennessee; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County of Davidson shall constitute one Chancery Division, to be known as the "Thirteenth Chancery Division of the State of Tennessee;" and the Regular Terms of the Chancery Court in said Division, shall be held at Nashville, in said county, on the first Monday in February and the first Monday in September, in each year; *Provided*, that nothing in this Act contained, shall be construed to prevent the holding of the Term of the Chancery Court at Nashville, in November, 1867, as now provided by law. Thirteenth Chancery Division.

SEC. 2. *Be it further enacted*, That the County of Davidson shall constitute one Judicial Circuit, to be known as the "Nineteenth Judicial Circuit of the State of Tennessee;" and the Regular Terms of said Court shall be held at Nashville, at the times now provided by law. Nineteenth Judicial Circuit.

SEC. 3. *Be it further enacted*, That the Governor shall order an election for Chancellor, and for Circuit Judge, of said Division and Circuit, respectively, so soon as this Act shall go into effect. Elections.

SEC. 4. *Be it further enacted*, That this Act shall take effect and be in force from and after its passage; and that all laws and parts of laws inconsistent with this Act, be, and the same are hereby, repealed. Repealed.

SEC. 5. *Be it further enacted*, That the Counties of Johnson, Carter, Washington, Sullivan, Hawkins, Hancock, Greene, Cocke, Jefferson, Grainger, and Claiborne, shall constitute a Judicial Criminal District; in which Courts shall be held, having exclusive jurisdiction of all cases to which the State is a party, or which, by the laws now in force, require the services of an Attorney-General. Judicial Criminal District.

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When Courts to be held.

SEC. 6. *Be it further enacted*, That the said Criminal Courts, shall be held as follows:

For the County of Johnson, on the first Mondays of February, June, and October.

For the County of Carter, on the second Mondays of February, June, and October.

For the County of Washington, on the third Mondays of February, June, and October.

For the County of Greene, on the first Mondays of March, July, and November.

For the County of Cocke, on the first Mondays of January, May, and September.

For the County of Jefferson, on the second Mondays of January, May, and September.

Same.

For the County of Hawkins, on the third Mondays of January, May, and September.

For the County of Hancock, on the third Mondays of April, August, and December.

For the County of Grainger, on the fourth Mondays of April, August, and December.

For the County of Claiborne, on the fourth Mondays of January, May, and September.

County Court to appoint Jurors.

SEC. 7. *Be it further enacted*, That it shall be the duty of the County Courts to appoint Jurors, and to make any other provision for said Criminal Court, that is now made for the Circuit Courts of said counties; and it shall be the duty of the Attorney-General of the Circuit in which any one of said counties may be included, to attend the sittings of said Criminal Court, and to prosecute the pleas of the State, and to represent her interests.

Attorney-General.

Circuit Court Clerks' duties

SEC. 8. *Be it further enacted*, That it shall be the duty of the respective Clerks of the Circuit Courts, to make out separate dockets, including all cases to which the State is a party, within thirty days after the passage of this Act; and the jurisdiction, in such cases, shall be transferred to said Criminal Court, and an entry to that effect shall be made at the first Term of the Circuit Court, on the Records thereof; and the said Criminal Court shall have full power to take any forfeiture, or any recognizance, bond, subpœna, or any other action, or any proceeding of the Circuit Court which said Circuit Court might have taken, had the jurisdiction of such court remained in said Circuit Court; and said Circuit Court Clerk shall perform the duties of Clerk of the said Criminal Court.

Jurisdiction, etc.

Juries.

SEC. 9. *Be it further enacted*, That all laws authorizing or requiring the presence or action of a Grand Jury, at any of the Circuit Courts of said counties, be, and are hereby, repealed; but the County Courts shall appoint

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twelve jurors, instead of twenty-five, as heretofore, for the trial of causes in the Circuit Court; and the said Criminal Court shall have the same power in empaneling jurors, as heretofore.

SEC. 10. *Be it further enacted*, That a Judge for said Criminal Court shall be elected the first Thursday of February, 1868, for the Term, and with the salary of the other Judges who have been, or may be, elected in this State; and shall be held and deemed one of the Judges of the State, with full power to interchange with any of the Circuit or Criminal Judges or Chancellors of the State; and until said election shall take place, the Governor shall appoint a special Judge to hold said Courts. When Judge elected, salary, etc.

SEC. 11. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed November 26, 1867.

STATE OF TENNESSEE,
OFFICE OF THE SECRETARY OF STATE,
Nashville, May 30th, 1868.

I, ANDREW J. FLETCHER, Secretary of State of the State of Tennessee, hereby certify, that I have carefully collated the foregoing documents, with authentic copies on file in my office, and find them correctly printed.

ANDREW J. FLETCHER,
Secretary of State.

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INDEX

TO

PRIVATE ACTS AND RESOLUTIONS.

1867—68.

Digitized by Google

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INDEX.

A	Chap.	Sec.	Page.
Academy, Union, at Clinton, Act to reorganize	12	1	10
Academy, Cageville Male and Female, incorporated	15	1	14
Atlantic, Tenuessee & Pacific R. R. Co., charter of, amended	84	1	52
Athens, East Tennessee, Wesley College at, incorporated	94	5	210
Academy, Macon County, Trustees of, removed	94	14	212
Atlantic, Tennessee & Ohio R. R. Co., how organized	105	15	256
Alexandria Lodge, F. A. M., incorporated	8	1	2
B			
Buffalo Male and Female Institute, may give diplomas	18	9	18
Boulevard Turnpike Company, charter of, amended	81	1	48
Bedford County Agricultural Society, incorporated	46	1	95
Buttram, Bailey, Act for the relief of	62	1	127
Boiling Fork Manufacturing and Tanning Comp'y, incorporated	67	8	133
Bedford County may issue County Bonds	71	1	143
Bowles, Col. John, Act for the relief of	75	1	149
Bristol and Kendrick's Creek Turnpike Company, incorporated	76	1	149
Baptist Church Cemetery, incorporated	79	22	162
Buffalo Turnpike Company, incorporated	81	32	178
Blind School, relief of	89	2	193
Brotherhood of Engineers, incorporated	100	10	239
C			
Carolina Insurance Company of Memphis, name of, changed	10	1	9
Cageville Male and Female Academy, incorporated	15	1	14
Central Tennessee Methodist Episcopal College, charter of, amended	17	1	15
Croton College, Monroe County, incorporated	18	1	16
Cleveland and Smith's ⋈ Roads Turnpike Companies, charters consolidated	81	9	50
Chattanooga, charter of, amended	84	15	56
Clarksville & Middle Bridge Turnpike Company, incorporated	87	1	67
Cleveland, city of, incorporated	43	15	86
CORPORATIONS.			
Alexandria Lodge, F. A. M., incorporated	8	1	2
Buffalo Male and Female Institute, incorporated	18	9	18
Bedford County Agricultural Society, incorporated	46	1	95
Boiling Fork Manufacturing Company, incorporated	67	8	133
Bristol & Kendrick's Creek Turnpike Company, incorporated	76	1	149
Buffalo Turnpike Company, incorporated	81	32	178

Digitized by Google

CORPORATIONS—[*Continued*]	Chap.	Sec.	Page.
Brotherhood of Locomotive Engineers, incorporated	100	10	239
Cageville Male and Female Academy, incorporated	15	1	14
Croton College, Monroe County, incorporated	18	1	16
Clarksville Middle Bridge Company, incorporated	37	1	67
Cleveland City, incorporated	43	15	86
Carter County Agricultural Society, incorporated	46	12	97
Colored Methodist Institute, incorporated	68	1	137
Central Tennessee Salt Works, incorporated	69	1	140
Clarksville Hotel Company, incorporated	78	1	155
Corum Hill Academy, incorporated	79	20	162
Chatata Seminary, incorporated	79	26	163
Clarksville & Waynesboro' R. R. Co., incorporated	87	1	190
Carthage Bridge Company, incorporated	91	1	195
Cumberland Cement Company, incorporated	91	14	199
Chattanooga Water Company, incorporated	91	19	200
Cumberland Cement Company, incorporated	92	5	206
Cherokee Male and Female Academy, incorporated	94	1	209
Chattanooga Library Association, incorporated	97	1	221
Clarksville Gymnasium, incorporated	97	13	224
Calumet Manufacturing Company, incorporated	105	16	256
Carter County Bridge Company, incorporated	106	46	269
Carter County Agricultural Society, incorporated	46	12	97
County of Johnson may take stock in M. H. R. R.	54	16	113
Carter County, law as to taking stock, etc., amended	54	20	114
Copeland, R. M., Act for the relief of,	58	1	121
Colored Methodist Institute, incorporated	68	1	137
Central Tennessee Salt Works Company, incorporated	69	1	140
Clarksville Hotel Company, incorporated	78	1	155
Corum Hill Academy, incorporated	79	20	162
Chatata Seminary, incorporated	79	26	163
Clarksville & Waynesboro' R. R. Co., incorporated	87	1	190
Carthage Bridge Company, incorporated	91	1	195
Cumberland Cement Company, incorporated	91	14	199
Chattanooga Water Company, incorporated	91	19	200
Cumberland Cement Company, *again* incorporated	92	5	206
Cleveland & Ducktown R. R. Co., further aid to	93	1	208
Cherokee Male and Female Academy, incorporated	94	1	209
Chattanooga & Gayburg Turnpike Co., charter amended	95	5	214
Chattanooga Library Association, incorporated	97	1	221
Clarksville Gymnasium Association, incorporated	97	13	224
Commissioners of Davidson County	99	20	235
" " Fayette "	99	26	237
County Court of Davidson, abolished	99	21	236
Church and Spruce Street R. R. Co., Charter of, amended	103	1	249
Calumet Manufacturing Company, incorporated	105	16	256
Carter County Bridge Company, incorporated	106	46	269
Columbia & Big Bigby Turnpike Company, incorporated	106	67	274
County Commissioners, Madison, Act creating, amended	107	40	293
Clinton, Town of, incorporated	107	41	293
Chancery, new Division, established	90	1	375
Circuit, new Judicial, "	90	2	375
Criminal Court, new Circuit, established	90	5	375
Columbia & Big Bigby Turnpike Company, incorporated	106	67	274
Clinton Turnpike Company, incorporated	107	41	293
Dechard, Town of, incorporated	48	14	86
Drake's Branch and Eaton's Creek Turnpike Company, incorporated	54	29	115
Euphrates Lodge, I. O. B. B., (Sons of the Covenant,) incorporated	7	1	6

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CORPORATIONS—[*Continued.*]	Chap.	Sec.	Page.
Elizabethton Masonic Female Institute, incorporated	18	1	11
East Tennessee Marble Company, incorporated	54	1	110
East Tennessee Wesleyan College, incorporated	94	5	210
Ætna Coal and Iron Company, incorporated	96	17	219
Eagle Mining Company, incorporated	27	1	38
Friendship Manufacturing Company, incorporated	55	8	118
Flat Gap & Rutledge Turnpike Company, incorporated	81	27	172
Fayetteville & Wells' Creek Turnpike Comp'y, incorporated	106	1	259
Fall Branch and Bull's Gap Turnpike Co., incorporated	106	55	271
Franklin Iron Company, incorporated	105	8	255
German Association for encouragement of Immigration, incorporated	21	1	24
Gallatin, Town of, incorporated	25	1	29
German Lutheran Congregation, incorporated	73	2	146
Great Western Life Insurance Company, incorporated	76	13	153
" " " " " "	101	16	245
Gallatin & Ridge Turnpike Company, incorporated	106	65	278
Gadsden, Town of, incorporated	107	58	295
Harrison Male Academy, incorporated	13	10	13
Harrison, Town of, incorporated	43	1	81
Hamilton County Agricultural, Horticultural and Mechanical Society, incorporated	58	5	108
Hibernian Insurance Company incorporated	54	28	114
Harrison Lodge, No. 114, F. A. M., incorporated	92	10	207
Indian Creek & Indian Gap Turnpike Co., incorporated	81	16	170
Jewish Soldiers' Monument Association, incorporated	49	2	100
Jones' Creek Oil & Mining Company, incorporated	70	1	142
Jefferson Mining & Manufacturing Company, incorporated	82	26	180
Jonesboro' Library Association, incorporated	97	26	228
Jacksboro', Powell's Valley & Cumberland Gap Turnpike Company, incorporated	101	13	244
Knoxville Iron Company, incorporated	57	1	120
King Solomon's Lodge, No. 6, I. O. B. A., incorporated	60	1	123
Kahl Kodish Ohavath Sholam, incorporated	61	1	125
Knoxville Hebrew Benevolent Association, incorporated	78	1	146
" Division Fair, at Knoxville, incorporated	74	1	147
" Sevierville & Big Pigeon R. R. Co., incorporated	88	1	182
Limestone Turnpike Company, incorporated	106	85	267
Lebanon & Gallatin R. R. Co., incorporated	85	1	56
Lincoln County Agricultural & Mechanical Society, incorporated	46	10	97
La Guardo High School Company, incorporated	54	15	113
Lear Medical Springs Company, incorporated	91	13	198
Library Association, of McMinnville, incorporated	100	1	238
Middle Creek Seminary, incorporated	4	1	3
Mining Companies, charters amended	9	1	8
Merchant's Insurance Company, of Memphis, incorporated	11	1	9
Memphis Gabberk Seminary, incorporated	18	6	17
Morristown, Town of, incorporated	19	1	18
Mineral Home R. R. Co., incorporated	34	2	52
Memphis & St. Louis Transportation Company, incorporated	37	10	68
Memphis Abstract Company, incorporated	45	1	93
" Agricultural & Mining Company, incorporated	105	24	258

Digitized by Google

CORPORATIONS—[*Continued.*]	Chap.	Sec.	Page.
Mountain Bridge Company, incorporated	106	43	268
Montgomery Savings Institute, incorporated	40	21	74
McMinnville and Beersheba Turnpike Co., incorporated	76	14	153
Montvale Springs Company, incorporated	78	8	156
Masonic Male and Female Institute, incorporated	80	10	165
Montgomery, Huntsville & Elk Gap Turnpike Company, incorporated	81	37	174
Murfreesborough Manufacturing Company, incorporated	96	8	217
Madisonville Milling and Manufacturing Company, incorporated	96	9	217
Macedonia Male and Female Institute, incorporated	97	2	222
Mansfield " " " " "	97	4	222
Masonic " " " " "	97	8	223
McMinnville, Town of, incorporated	99	1	231
Maury County Manufacturing Company, incorporated	101	1	241
Mount Verd Manufacturing Company, incorporated	105	1	252
Masonic Orphans' Home, incorporated	50	1	102
Marine Savings Institute of Memphis, incorporated	40	20	74
New Orleans & Ohio Air Line R. R. Co., incorporated	28	1	86
Nashville Coal Mining Company, incorporated	54	9	112
New Market, Mouth of Buffalo & Rutledge Turnpike Company, incorporated	81	24	172
Nashville Colored Benevolent Society	104	1	250
Overton Academy, incorporated	18	10	17
Overton Hotel Company, incorporated	38	1	69
Odd Fellows Institute, incorporated	50	8	108
People's Aid Association, incorporated	49	1	100
Pinhook Turnpike Company, incorporated	67	21	136
Primitive Baptist Church Cemetery, incorporated	79	22	162
Paris Male and Female College, incorporated	97	6	223
Post Oak Spring Turnpike Company, incorporated	106	15	262
Roane Iron Company, incorporated	27	10	35
Rogersville & Little War Gap Turnpike Company, incorporated	81	10	50
Robertson County Agricultural & Horticultural Association, incorporated	42	7	80
Robertson County Manufacturing & Commercial Company, incorporated	67	17	135
Smith's Fork Lodge, F. A. M., incorporated	3	3	2
St. Andrew's Society, incorporated	20	1	23
St. Patrick's Total Abstinence Society, incorporated	48	2	100
Sumner County Agricultural & Mechanical Association, incorporated	53	1	108
Shell, Wm., incorporated	54	21	114
Swiss Relief Society, incorporated	54	25	115
Sewanee Tanning & Manufacturing Company, incorporated	55	1	57
Sevier County Farmer's Club, incorporated	64	1	128
Society of Brothers & Sisters of Love, incorporated	68	14	139
Shady Grove Academy, incorporated	79	7	160
Shelby Institution, incorporated	80	1	164
Sneedsville, Russellville & Warrensburg Turnpike Company, incorporated	81	16	170
Stony Creek & Watauga River Turnpike Company, incorporated	81	18	170
South-Western Land Agency, incorporated	82	5	176
Southern Accidental Insurance Company, incorporated	82	22	179

Digitized by Google

CORPORATIONS—[*Continued.*]	Chap.	Sec.	Page.
Sweetwater Express Company, incorporated	82	23	179
South-Western & Alabama R. R. Co., incorporated	83	13	185
Soddy Coal Company, incorporated	96	1	216
Sulphur Fork Manufacturing Company, incorporated	101	12	248
St. John's Chapel, of African M. E. C., incorporated	104	8	251
Springfield & Cross Plains Turnpike Company, incorporated	106	29	265
Sewanee College, incorporated	47	1	97
Sumner County Republican Association, incorporated	100	14	240
Taylorsville Turnpike Company, incorporated	106	48	269
Taylorsville & Bristol Turnpike Company, incorporated	106	64	272
Thompson's, W. R. S., Turnpike Road, incorporated	106	23	264
Tennessee Colored Banking and Real Estate Association, incorporated	29	1	46
Tennessee Horticultural Society, incorporated	42	1	79
" Stone Company, incorporated	59	1	122
" Conference M. E. Church, incorporated	66	1	130
" Mining and Commercial Company, incorporated	67	1	131
" Car Company, incorporated	67	12	133
" Fish and Ice Pond Company, incorporated	82	11	177
" Masonic Mutual Aid Society, incorporated	94	11	212
" & Corinth R. R. Co., incorporated	95	1	213
" Real Estate Agency, incorporated	97	20	225
" Benevolent and Loan Association, incorporated	104	10	251
" Manufacturing Company, incorporated	105	17	256
" Iron Company, incorporated	67	5	132
Trinity Turnpike Company, incorporated	51	1	105
Tullahoma Male and Female Institute, incorporated	79	8	160
United Ancient Order of Druids, incorporated	24	1	27
Unica Oil, Salt, Mining and Manufacturing Company, incorporated	39	4	70
Union City, in the County of Obion, incorporated	41	1	74
Union High School, incorporated	79	6	160
Union Manufacturing Company, of Sumner County, incorporated	101	11	243
Vulcan Iron and Coal Company, incorporated	96	13	218
Watauga River Bridge Company, incorporated	101	5	242
" " Turnpike Company, incorporated	106	39	268
Winchester & Decherd Turnpike Company, incorporated	106	38	267
Wand Patent Car Roofing Company, incorporated	5	1	4
Widows' and Orphans' Fund Life Insurance Company, incorporated	40	1	71
Working Men's Union, incorporated	82	1	176
Webster Polemic and Library Society, incorporated	44	1	92
Walden's Ridge Coal Company, incorporated	90	1	194
Winan High School, incorporated	79	1	58
West Point Lodge, F. A. M., incorporated	92	1	205
D			
Decaturville, extension of, repealed	1	1	1
Dugger, B. F., Act for the relief of	28	1	26
Druids, Ancient Order of, incorporated	24	1	27
Decherd, Town of, incorporated	43	14	86
Dyer County, Sheriff of, may appoint additional deputy	63	1	127
Davidson & Wilson County Turnpike Company	65	8	129
Division Fair, at Knoxville, incorporated	74	1	147
Deaf and Dumb School, relief of	89	1	193
Decherd, made an Election District	99	19	235

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	Chap.	Sec.	Page.
Davidson County Commissioners	99	20	235
Decherd, when elections are to be held	107	57	296
E			
Euphrates Lodge, I. O. B. B., (Sons of the Covenant) incorporated	7	6	1
Elizabethton Masonic Female Institute, incorporated	13	1	11
Eagle Mining Company, of Tennessee, incorporated	27	1	33
Ætna Manufacturing, Mining and Oil Company, charter of, amended	39	1	70
East Tennessee Wesleyan College, at Athens, name changed	52	1	107
" " Marble Company, incorporated	54	1	110
East Tennessee & Western North Carolina R. R. Company, Carter County may take stock in	54	20	114
East Tennessee University, additional Trustees	88	1	192
" " Wesleyan College, at Athens, incorporated	94	5	210
Ætna Coal & Iron Company, incorporated	96	17	219
East Tennessee Marble Company, charter of, amended	101	9	243
F			
French Broad River Turnpike Company, additional Commissioners of	26	2	82
Friendship Manufacturing Company, incorporated	55	8	118
Franklin County, Sheriff of, may appoint additional deputy	63	1	127
Fayette County, Commissioners of	99	26	237
Franklin & Liberty Turnpike Company, charter amended	101	10	243
Franklin Iron Company, incorporated	105	8	255
Fayetteville & Wells' Creek Turnpike Company, incorporated	106	1	259
Franklin & Lewisburg Turnpike Company, may collect toll	106	26	264
Fall Branch & Bull's Gap Turnpike Company, incorporated	106	55	271
G			
German Association encouraging Immigration, incorporated	21	1	24
Gallatin, Act incorporating, amended	25	1	29
Gallatin, to include "Baker's Addition"	41	12	77
Gabbert Academy, law as to, amended	47	8	99
Georgetown Male and Female Seminary, charter of, amended	48	1	99
Greer, John F., Act for the relief of	58	2	121
German Lutheran Congregation, incorporated	78	2	146
Great Western Life Insurance Company, incorporated	76	13	153
Gallatin, Lebanon & Murfreesborough R. R. Co., named	95	7	215
Goodlettsville Male and Female Seminary	100	15	240
Great Western Life Insurance Company, incorporated	101	16	245
Gallatin & Ridge Turnpike Company, incorporated	106	65	273
Gadsden, Town of, incorporated	107	53	295
H			
Harrison Male Academy, powers of, enlarged	13	10	13
Hart, Charles B., not Charles B. *Short*	31	8	49
Huntingdon, boundaries of, declared	41	13	77
Horticultural Society, Tennessee, incorporated	42	1	79
Harrison, Town of, incorporated	43	1	81
Hibernian Insurance Company, incorporated	54	28	114
Hardeman County, may issue County Bonds	71	5	144

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	Chap.	Sec.	Page.
Harrison Lodge No. 114, F. A. M., incorporated	92	10	207
Higginbotham & Rankin's Turnpike Company	106	58	272
I			
Immigration, German Association to encourage	21	1	24
Indian Creek & Indian Grove Turnpike Company, incorporated	81	14	170
J			
Jefferson Medical Association, named	16	1	15
Jewish Soldiers' Monument Association, incorporated	49	2	100
Johnson County may subscribe stock in R. R. Co	54	16	118
" " " issue County Bonds	71	4	144
Jews of Davidson County, incorporated	61	1	125
Jones' Creek Oil and Mining Company, incorporated	70	1	142
Jonesborough and Ready Creek Turnpike Company, charter amended	81	1	166
Jefferson Mining and Manufacturing Company, incorporated	82	26	180
Jonesborough Library Association, incorporated	97	26	228
Jacksborough, Powell's Valley & Cumberland Gap Turnpike Company, incorporated	101	12	244
K			
Knoxville Iron Company, incorporated	57	1	120
King Solomon's Lodge, No. 6, I. O. B. A., incorporated	60	1	128
Kahl Kodish Ohavath Sholam, incorporated	61	1	125
Knox County, Sheriff of, may appoint additional deputy	63	1	127
Knoxville Hebrew Benevolent Association, incorporated	78	1	146
Knoxville & Kentucky R. R. Co., rights, etc., enlarged	81	22	171
" , Sevierville & Big Pigeon R. R. Co., aid to	81	40	174
" " " " incorporated	88	1	182
Kingston Turnpike Company, charter amended	97	1	229
Knoxville & Tazewell Turnpike Company, to have State stock	101	19	245
" " " " additional Commissioners	101	19	246
Knoxville & Jacksboro' Turnpike Company, charter amended	106	56	271
" " " " " "	106	62	278
L			
Lebanon & Lowe's Ferry Turnpike Co., time for, extended	14	1	13
Lebanon & Gallatin R. R. Co., incorporated	35	1	56
Lincoln County Agricultural & Mechanical Society, incorporated	46	10	97
Lebanon & Nashville Turnpike Company, charter declared in force	51	6	106
LaGuardo High School Company, incorporated	54	15	113
Lancaster, D. L., Act for the relief of	58	1	121
Lawrenceburg, charter of, amended	72	4	145
Lebanon & Nashville Turnpike Company, Act for the benefit of, repealed	86	1	189
Lear Medical Springs Association, incorporated	91	13	198
Library Association, of McMinnville, incorporated	100	1	238
Lebanon & Sinking Creek Turnpike Company, charter amended	106	27	265
Limestone Turnpike Company, incorporated	106	85	267

Digitized by Google

M	Chap.	Sec.	Page.
Masons, Free and Accepted, Alexandria Lodge, incorporated	8	1	2
Masons, Free and Accepted, Smith's Fork of, incorporated	8	3	2
Middle Creek Cemetery, incorporated	4	1	3
Mississippi R. R. Co., Act for the benefit of	6	1	5
Memphis & Ohio R. R Co, Act for the benefit of	6	2	6
Memphis Dry Dock Company, Act incorporating, amended	8	4	8
Mining Companies, certain, charters of, amended	9	1	8
Middle Tennessee Insurance Company, charter of, amended	10	1	9
Merchant's Insurance Company, of Memphis, incorporated	11	1	9
Memphis Gabbert Seminary, incorporated	18	6	17
Morristown, Acts incorporating, compiled and amended	19	1	18
Murfreesborough, Mayor, &c., of, how elected	25	7	31
Memphis Insurance Company, name of, changed	29	7	47
McMinnville, Act to extend limits of	33	1	51
Mineral Home R. R. Co., incorporated	34	2	52
Memphis Transportation Company, named	34	14	56
" charter of city of, amended	36	1	65
" and St. Louis Transportation Company, incorporated	37	10	68
Marine Savings Bank of Memphis, incorporated	40	20	74
Montgomery Savings Institute, incorporated	40	21	74
Maryville, boundaries of, declared	41	14	77
Manual Labor University, charter of, amended	42	6	80
Memphis Abstract Company, incorporated	45	1	93
Masonic Orphans' Home, incorporated	50	1	102
Murfreesborough & Manchester Turnpike Company	54	28	115
McMinnville, &c., Turnpike Company, incorporated	76	14	158
Montvale Springs Company, incorporated	78	8	156
Middle Bridge Company, charter amended	78	15	157
Masonic Orphans' Home, charter of, amended	79	25	163
Masonic Male and Female Institute of Salem, incorporated	80	10	165
Mineral Home R. R. Co., rights enlarged	81	30	172
Montgomery, Huntsville & Elk Gap Turnpike Company, incorporated	81	37	174
Memphis, Voters in, to Register in their own Wards	85	1	188
Macon County Academy, Trustees of, renewed	94	14	212
Murfreesborough Manufacturing Company, incorporated	96	8	217
Madisonville Milling and Manufacturing Company, incorporated	96	9	217
Macedonia Male and Female Institute, incorporated	97	2	222
Mansfield Male and Female Collegiate Institute, incorporated	97	4	222
Masonic Male and Female Institute of Salem, incorporated	97	8	223
McMinnville, Town of, charters compiled	99	1	231
Maury County Manufacturing Company, incorporated	101	1	241
Morristown, charter of, amended	102	1	246
Memphis, assessment of taxes for	102	2	246
Mount Verd Manufacturing Company, incorporated	105	1	252
Memphis Agricultural & Mining Company, incorporated	105	24	258
Madison County Commissioners, Act as to, amended	107	40	298
N			
New Middleton, Act incorporating, amended	2	1	1
Narrimore, F. M., and John Greer, authorized to build Turnpike	8	1	7
New Market Medical Association, name of, changed	16	1	15
Nashville & Middle Franklin Turnpike Company, charter of, amended	26	1	32
New Orleans & Ohio Air-Line R. R. Co., incorporated	28	1	36
Nashville Coal Mining Company, incorporated	54	9	112
New Market, Dandridge & Newport Turnpike Company	56	1	119
Nashville & Charlotte Turnpike Company	65	1	129
Nashville & Decatur R. R. Co., may remove Depot	67	16	134

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	Chap.	Sec.	Page.
North Shelbyville, Act incorporating, repealed	72	1	144
New Market, Mouth of Buffalo & Rutledge Turnpike Company, incorporated	81	24	172
North Carolina, Tennessee & Kentucky R. R. Co., aid to	93	2	208
Nashville, Murfreesboro' & Shelbyville Turnpike Company, charter amended	101	18	245
National Discount & Deposit Bank, charter amended	101	21	245
Nashville Colored Benevolent Society, incorporated	104	1	250
Nashville, City of, charter amended	107	1	277
O			
Overton Academy, incorporated	18	10	17
Overton Hotel Trust Company, incorporated	38	1	69
Odd Fellows' Institute, incorporated	50	8	108
P			
Pikeville Turnpike Company, Commissioners for	81	5	49
Peary, T. P., may build mill-dam	89	5	70
People's Aid Association, incorporated	49	1	100
Pulman, Kimball & Ramsey Sleeping Car Company, charter of, amended	57	5	121
Pinhook Turnpike Company, incorporated	67	21	136
Perry County, may issue Bonds	71	6	144
Pulaski, charter of, amended	72	4	145
Patterson, H. S., Act for the relief of	75	2	149
Paris Male and Female College, incorporated	97	6	223
Q			
Quall's Turnpike Company, Commissioners for	81	3	49
R			
RAILROAD COMPANIES.			
Atlantic, Tennessee & Pacific, charter of, amended	84	1	52
Atlantic, Tennessee & Ohio, how to organize	105	15	256
Cleveland & Ducktown, further aid to	93	1	208
Clarksville & Waynesborough, incorporated	87	1	190
East Tennessee & Western North Carolina, Carter County may take stock in	54	20	114
Gallatin, Lebanon & Murfreesborough	95	7	215
Harrison, Selma & Cincinnati and Chattanooga & Cincinnati, may amalgamate	77	2	154
Knoxville & Kentucky, rights of, declared	81	22	171
" Sevierville & Big Pigeon, aid to	81	40	174
" " " " incorporated	88	1	82
Lebanon & Gallatin, incorporated	85	1	56
Mineral Home, incorporated	84	2	52
" " Johnson County may take stock in	54	15	113
" " charter amended	81	30	172
Mississippi River, Act for the benefit of	6	1	5
Memphis & Ohio, may contract with Mississippi River R. R	6	2	6

Digitized by Google

	Chap.	Sec.	Page.
RAILROAD COMPANIES—[*Continued.*]			
Nashville & Decatur, may remove Depot	67	16	134
North Carolina, Tennessee & Kentucky, aid to	93	2	206
Rogersville & Jefferson, Act for the benefit of	84	1	187
South-Western & Alabama, incorporated	88	13	175
" " " counties may aid	101	17	145
Tennessee & Pacific, further aid to	93	1	206
Tennessee & Corinth, incorporated	95	1	213
" " " additional Commissioners for	95	6	214
Rogersville & Little War Gap Turnpike Company	81	10	50
" " " " " " " aid to	81	86	173
Ruhm, John, Act for the relief of	82	1	51
Rogers, A. C., may build Iron Works	89	6	71
Robertson County Agricultural and Horticultural Association, incorporated	42	7	80
Robertson County Manufacturing and Commercial Company, incorporated	67	17	135
Rogersville & Little War Gap Turnpike Co., rights, etc., of	81	42	175
Rogersville & Jefferson R. R. Co., Act for benefit of	84	1	187
Rogersville & Sneedsville Turnpike Company, additional Commissioners	101	8	243
	No.	**Sec.**	**Page.**
RESOLUTIONS.			
Adjutant-General's Office, investigation of, ordered	18		304
" " " " " "	97		346
Adjutant General called on to report	121		361
Agricultural Bureau, Report as to, required	100		349
Adjourn, Resolution to, on Dec. 18, 1867	81		337
" " " March 16, 1868	125		368
Bank of Tennessee, at Rogersville, to be investigated	43		316
" " " coin of, counting of, to be investigated	44		316
Barry, Thomas H., Committee to investigate conduct of	50		319
Bokum, Rev. H., Book of, subscribed for	56		322
" " Warrant to issue to	116		358
Beaty, David, to be paid *per diem* and mileage	188		371
Clergymen invited to open proceedings with prayer	2		297
Convention to compare votes for Governor	4		298
Code to be furnished Committees	19		303
Codes, how to be disposed of	26		308
Commissioners of Registration, suits against	24		307
Convention to elect U. S. Senator	25		307
Committee on Finance, instructed as to Revenue Laws	27		308
Catalogue of Members to be printed	32		310
Cumberland River, improvement of	33		311
Committees, Standing, to have Bills printed	35		312
Committee to report on Bill No. 14	51		320
Criminal prosecutions before the war	53		321
Cotton, Tax on, U. S. Senators instructed as to	55		322
Cockrill, W. G., Resolution to pay	57		323
Committee on Common Schools, to act on Bills Nos. 204 and 205	66		328
Claim Agent at Washington to wind up	76		334
Capitol, repairs of	88		342
Clerk to copy Journals during Holidays	91		344
Clerk, second assistant, to be appointed	108		353
Committees to meet at night	99		348

Digitized by Google

	No.	Sec.	Page.
RESOLUTIONS—[*Continued.*]			
Clerk of Senate to furnish House copy of Bill No. 97	112		356
Claim Commissioner, Convention to elect	120		360
Congressman at large to be elected	128		366
Congressional Committee welcomed	134		369
Comptroller, to credit Speakers' accounts	82		337
" " issue Warrant to Press & Times Company.	83		338
" " " " " Capt. Heydt	85		340
" and Treasurer, may borrow money	89		343
" to report delinquent Tax Collectors	101		349
" " " what Railroads have paid interest	135		371
" " " " " " " tax	135		370
" " " as to funds received from Railroads	80		310
Comptroller to issue Warrant for postage stamps	9		300
" to " receipts and disbursements	81		310
" to " expenses of Quartermaster-General's office	40		314
Comptroller, office of, to be inquired into	68		329
Door-keeper to have papers mailed	90		343
Frazier trial, Reporter to be paid	64		327
Governor's Mansion, Committee on	133		369
Governor, Convention to compare votes for	4		298
" notice of his election	12		301
" inauguration of	13		302
" notified of the vacancy of Seat from Johnson County	22		306
Grayson, J. W. M., ordered to be paid	29		309
Grisham, Geo. E., claim recommended	126		364
Hall of the House, tendered to naturalized citizens	92		344
" " " " " Convention	94		345
" " " " " Teacher's Association	117		359
Hare, S. E., suspended as Director Penitentiary	84		339
Heydt, Capt. Wm., to be paid certain expenses	42		315
" " " appointed Sergeant-at-Arms	28		309
" " " to be paid certain expenses	79		336
" " " " " " "	85		340
" " " " " " "	109		354
" " " to place stove in Speaker's room	48		318
" " " to be paid for certain repairs	105		352
" " " to cleanse cistern	132		368
Hull, J. S., Warden, etc., suspended	52		320
" " " resignation accepted	86		340
Huntington, Rev. J., paid as Chaplain	141		373
Hurt, W. J., Seat declared vacant	34		311
" " to be paid *per diem*, etc	37		313
Immigration, Committee on	15		303
" " "	45		317
" " "	46		317
Impeachment of the President recommended	96		346
Johnson County, seat from, declared vacant	21		305
Kennedy, D. R., to be paid for registering Monroe County	110		354
Librarian, *pro tem*, appointed	77		335

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RESOLUTIONS—[*Continued.*]	No.	Sec.	Page.
Message of Governor referred	16		303
Military, Committee on, to investigate, etc	18		304
Murphy, H. P., seat declared vacant	21		305
" " to be paid	29		309
Members, list of, to be printed	32		310
Madison County contested election, witnesses in, to be paid	39		314
Machinery in hands of the Governor	41		315
Militia, organization, U. S. Senators instructed as to	60		325
" United States requested to pay expense of	78		335
McElwee, T. B., to be paid for services as Warden	87		341
Military Committees to constitute a Joint Committee	102		350
Maynard, Col. Edward, death of	123		362
Notifying House that the Senate is organized	1		297
" Governor of the organization of both Houses	5		298
" Governor of his election	8		300
" " " " "	12		301
Organization of the two Houses	5		298
Prayer, Senate to be opened with	7		299
Postage Stamps, Warrant to issue for	9		300
" " " " " "	10		301
Papers, Daily, Senators may subscribe for	11		301
" " Representatives may subscribe for	14		302
" " " to furnish names of, to Clerk	54		321
Pay of Members and Officers ordered	19		304
Postage Stamps for Members	20		305
Penitentiary, Warden of, requested to report	36		312
" Committee to investigate	47		317
" " " "	49		318
" " "	70		330
" " on, relieved	80		337
" " to investigate payments	118		359
Public Grounds, Committee on	71		331
Paymaster-General, called on to report	72		331
Pensions, instructing Senators as to	74		333
Powder, in basement of the Capitol	115		358
Quartermaster-General, called on to report	73		332
" " Committee to settle with	137		371
" " to be inquired into	137		272
Rules, adopted and printed	3		298
" of House, amended	124		363
Roach, Hon. Isaac J., thanks to	5		299
Raulston, Robert S., death of	38		313
" " funeral expenses of	42		315
Railroads, accounts to be investigated	58		324
" " " "	61		325
" Receivers, conduct of, to be investigated	59		324
" Memorial to Congress as to	63		326
" accounts of Receiver of Memphis, Clarksville & Louisville Railroad	113		356
Register of Hiwassee District, Convention to elect	62		326
" " " " " " "	111		355
Receivers of Railroads, accounts to be investigated	114		357
Sixteenth Section, Committee to take into consideration	23		306
Senator, United States, Convention to elect	25		307
Sergeant-at-Arms, Capt. Heydt appointed	28		309
State property, value of, to be ascertained	65		328

Digitized by Google

	No.	Sec.	Page.
RESOLUTIONS—[*Continued.*]			
Sons of Temperance, use of Hall tendered to	67		329
Surgeon-General of the State, requested to report	69		330
Stanford, R. L., Committee to examine effects of	93		345
School Fund, Committee to investigate	95		346
Schools, Free, intention of the Legislature as to	98		348
Stanton, Hon. E. M., congratulation as to	104		351
Safford, J. M., Report as to	106		352
" " to make out his report	130		367
Soldiers, additional bounty asked for	122		361
Sparkman, Hon. James, Warrant to issue to	131		368
Thanks, to Hon. Isaac J. Roach	5		299
Treasurer, to pay members and officers	19		304
Tax on liquors, instructing Senators as to	75		333
Tarkington, J. W., to be paid reward	103		350
" " to have arms	107		353
Tennessee River, U. S. Senators instructed as to	119		360
" " " " " " "	127		364
Thanks, to officers of the House	129		367
Thanks, to D. W. C. Senter, Speaker of the Senate	142		374
Watkins, John, to be paid reward	140		378

S

	Chap.	Sec.	Page.
Sons of the Covenant, incorporated	7	1	6
Smith's Fork Lodge, F. A. M., incorporated	8	3	2
St. Andrew's Society, of Memphis, incorporated	20	1	23
Sewanee College, incorporated	47	1	97
St. Patrick's Total Abstinence and Benevolent Society, incorporated	48	2	100
Sumner County Agricultural & Mechanical Association, incorporated	58	1	108
Shell, Wm., incorporated	54	21	114
Swiss Relief Society, incorporated	54	25	115
Sewanee Tanning & Manufacturing Company, incorporated	55	1	117
Sevier County Farmer's Club, incorporated	64	1	128
Society of Brothers & Sisters of Love, incorporated	68	14	134
Shelbyville, corporate limits of	72	2	144
Shady Grove Academy, incorporated	79	7	160
Salem Church, may appoint Trustees	79	28	168
Shelby Institution, incorporated	80	1	164
Sneedsville, Russellville & Warrensburg Turnpike Company, incorporated	81	16	170
Stoney Creek & Wautaga River Turnpike Company, incorporated	81	18	170
South-Western Land Agency, incorporated	82	1	176
Southern Accidental Insurance Company, incorporated	82	22	179
Sweetwater Express Company, incorporated	82	23	179
South-Western & Alabama R. R. Co., incorporated	83	13	185
Soddy Coal Company, incorporated	96	1	216
Somerville, corporate limits of, declared	99	25	237
Sumner County Republican Company, incorporated	100	14	240
Sulphur Fork Manufacturing Company, incorporated	101	12	248
Sneedsville & Rogersville Turnpike Company, to have certain stock	101	15	245
Southern & Alabama R. R. Co., counties may aid	101	17	245
Shelby County, may issue Bonds	102	7	248
St. John's Chapel, of the African M. E. C., incorporated	104	8	251
Shelby County, lots of land in, to be ploted and registered	105	22	257

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	Chap.	Sec.	Page.
Springfield & Cross Plains Turnpike Company, incorporated	106	29	265
Springfield, powers of Recorder and Mayor of	107	35	292
State Stock, in certain Turnpike Companies, may be used before private stock is subscribed	106	62	278
T			
Tennessee Manual Labor University, charter of, amended	42	6	80
" Colored Banking & Real Estate Association, incorporated	29	1	46
Tennessee & Pacific R. R Co., charter of, amended	30	1	47
" " " " "	35	40	64
" Horticultural Society, incorporated	42	1	79
" Stone Company, incorporated	59	1	122
" Conference, Methodist Colored Church, incorporated	66	1	130
" Mining & Commercial Company, incorporated	67	1	131
" Iron Company, incorporated	67	5	132
" Car Company, incorporated	67	12	133
" Fish & Ice Pond Company, incorporated	82	11	177
" State Mutual Life Insurance Co., charter of, amended	82	16	178
" & Pacific R. R. Co., further aid to	93	1	208
" Masonic Mutual Aid Society, incorporated	94	11	212
" & Corinth R. R. Co., incorporated	95	1	213
" Real Estate & Insurance Company, incorporated	97	20	225
" Benevolent & Loan Association, incorporated	104	10	251
" Manufacturing Company, incorporated	105	17	256
Tullahoma Male & Female Institute, incorporated	79	8	160
TURNPIKE COMPANIES.			
Bristol & Kendrick's Creek, incorporated	76	1	149
Buffalo, incorporated	81	32	173
Cleveland & Smith's Cross Roads, charters consolidated	31	9	50
Clarksville & Middle Bridge, incorporated	37	1	67
Chattanooga & Gayburg, charter of, amended	95	5	214
Columbia & Big Bigby, incorporated	106	67	274
Davidson & Wilson County, certain Acts to apply to	65	3	129
Fall Branch & Bull's Gap, incorporated	106	55	271
Fayetteville & Franklin, incorporated	106	64	278
Franklin & Lewisburg, may collect toll	106	26	264
Flat Gap & Rutledge, incorporated	81	27	172
Franklin & Liberty, charter of, amended	101	10	243
Fayetteville & Wells' Creek, incorporated	106	1	259
Gallatin & Ridge, incorporated	106	65	278
Higginbotham, Rankins & A. L. Davis'	106	58	272
Hart, H. W., may open Turnpike	31	1	48
Indian Creek & Indian Grove, incorporated	81	14	170
Jacksboro,' Powell's Valley & Cumberland Gap, incorporated	101	12	244
Jonesboro' & Ready Creek, charter of, amended	81	1	166
Knoxville & Jacksboro', charter of, amended	106	62	278
" " " "	106	56	271
" & Tazewell, State aid to	101	19	245
Kingston, charter of, amended	98	1	229

Digitized by Google

	Chap.	Sec.	Page.
TURNPIKE COMPANIES—[*Continued*]			
Lebanon & Nashville, Act for the benefit of, repealed	86	1	189
" & Lowe's Ferry, time for completion, extended	14	1	18
" & Nashville	51	6	106
" & Sinking Creek, charter amended	106	27	265
Limestone	106	35	267
Murfreesboro' & Manchester, additional corporators	54	28	115
McMinnville & Beersheba, incorporated	76	14	153
Montgomery, Huntsville & Elk Gap, incorporated	81	37	174
Narrimore & Gruer, may build Turnpike	8	1	7
New Market, Dandridge & Newport, aid to	56	1	119
Nashville and Charlotte, may remove gate	65	1	129
New Market, Mouth of Buffalo & Rutledge, incorporated	81	24	172
Nashville, Murfreesborough & Shelbyville, charter amended	101	18	245
Pikeville, Commissioners appointed for	81	5	49
Pinhook, incorporated	67	21	136
Post Oak Springs, incorporated	106	15	262
Quall's, additional Commissioners for	81	3	49
Rogersville & Little War Gap, incorporated	81	10	50
" " " " aid to	81	36	178
" " " " "	81	42	175
Rogersville & Sneedsville, additional Commissioners	101	8	123
Springfield & Cross Plains, incorporated	106	29	265
Sneedsville, Russellville & Warrensburg, incorporated	81	16	170
Sneedsville & Rogersville, to have certain stock	101	15	245
Stony Creek & Watauga River, incorporated	81	18	171
Trinity, incorporated	51	1	105
Thompson, W. R. S., may build Turnpike	106	28	264
Taylorsville, incorporated	106	48	269
Turnpikes incorporated by Act of May 22, 1866, to have certain rights	98	8	231
Turnpikes may use State aid without private stock	106	62	278
Watauga River, incorporated	106	39	267
Winchester & Decherd, incorporated	106	38	267
Western & Montgomery, charter amended	106	61	272
" " " additional corporators	54	27	115
White's Creek, charter of, amended	54	33	116
U			
Union Consolidation Mining Company, Act amending charter of, repealed	9	3	8
Union Academy, at Clinton, Act to reorganize	12	1	10
United Ancient Order of Druids, incorporated	24	1	27
Unica Oil, etc., Company, incorporated	39	4	70
Union City, in the County of Obion, incorporated	41	1	74
" " may regulate side-walks, etc	78	5	156
University Place Hotel, Act incorporating, amended	50	6	103
Union High School, incorporated	79	6	160
University, East Tennessee, additional Trustees	88	1	192
Union Manufacturing Company, of Sumner County, incorporated	101	11	243

Digitized by Google

V	Chap.	Sec.	Page.
Vulcan Iron & Coal Company, incorporated	96	13	218
W			
Wand Patent Car Roofing Company, incorporated	5	1	4
Widow & Orphans' Fund Life Insurance Company, law as to, in part repealed	79	21	162
Widow & Orpans' Fund Life Insurance Company, incorporated	40	1	71
" " " " " " charter amended	60	6	125
Webster Polemic & Literary Society, incorporated	44	1	92
Wesleyan University, at Athens, name changed	52	1	107
Western & Montgomery Turnpike Company	54	27	115
White's Creek Turnpike Company, charter amended	54	38	116
Winan High School, incorporated	79	1	158
Woodbury College, named	80	7	165
Workingmen's Union, etc., etc., incorporated	82	1	176
Walden's Ridge Coal Company, incorporated	90	1	194
West Point Lodge, F. A. M., incorporated	92	1	205
Watauga River Bridge Company, incorporated	101	5	242
Winchester & Decherd Turnpike Company, incorporated	106	38	267
Watauga River Turnpike Company, incorporated	106	39	268
Western & Montgomery Turnpike Company, charter amended	106	61	272

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